

## **Chapter 26 PUBLIC SAFETY**

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### **ARTICLE I. IN GENERAL**

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**Secs. 26-1—26-18. Reserved.**

### **ARTICLE II. EMERGENCY MEDICAL SERVICES <sup>[1]</sup>**

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#### **Sec. 26-19. Establishment.**

The voluntary rescue and lifesaving crew, formed in the town pursuant to section 6.01 of the town Charter and the Code of Virginia, § 2.2-3600 et seq., is continued as the Christiansburg Rescue Squad, a department of the town. The department is the town's designated emergency response agency for emergency medical response pursuant to 12 VAC 5-31-370. The director of the department will establish with the Virginia Department of Health, office of emergency medical services the agency name for purposes of licensure, currently "Christiansburg Rescue Squad."

(Code 1992, § 23-1; Ord. of 12-19-1989, § 24.2-1)

### **Sec. 26-20. Rescue chief; position established.**

The position of rescue captain is continued as the rescue chief and serves as the director of the Christiansburg Rescue Squad. The rescue chief is an employee of the town who shall be appointed by, and serve under, the direct supervision of the town manager.

(Code 1992, § 23-2; Ord. of 12-19-1989, § 24.2-2; Ord. No. 2011-1, 5-3-2011)

### **Sec. 26-21. Rescue chief duties in general.**

The rescue chief's duties shall include, but not be limited to, the following:

- (1) Establish such policies as are necessary for the operations of the department.
- (2) Foster and promote volunteer membership in the department.
- (3) Establish and maintain procedures for the recruiting, selection, retention and termination of voluntary members of the department.
- (4) Establish and maintain an organizational structure inclusive of both voluntary and employed members and officers.
- (5) Establish and maintain subordinate officer positions, including job descriptions, authorities, responsibilities, process for selection and process for removal from office.
- (6) Establish programs to promote preparedness for medical emergencies to the general public.
- (7) Establish procedures to keep all department equipment and vehicles in proper condition and repair.

(Code 1992, § 23-3; Ord. of 12-19-1989, § 24.2-3; Ord. No. 2011-2, 5-3-2011)

### **Sec. 26-22. Police powers of rescue chief.**

The rescue chief shall, for the purpose of safeguarding life and property, have police powers in making a response or providing aid to a rescue and lifesaving call.

(Code 1992, § 23-4; Ord. of 12-19-1989, § 24.2-4)

### **Sec. 26-23. Direction of traffic by department members.**

Any officer or member of the department, when at the scene of an accident or emergency call, may direct or assist in directing traffic thereat or in the immediate vicinity.

(Code 1992, § 23-5; Ord. of 12-19-1989, § 24.2-5)

### **Sec. 26-24. Compliance with command of member of the department at scene of emergency call.**

It shall be unlawful for any person in attendance at the scene where a department unit is performing its duties to fail, neglect or refuse to comply with the commands of a member of the department; or, in case of need, for any person to fail, neglect or refuse to render assistance to the department personnel upon request or upon command of the officer in charge or any member of the department performing his duties.

(Code 1992, § 23-6; Ord. of 12-19-1989, § 24.2-6)

**Sec. 26-25. Cost reimbursement for emergency medical transport.**

Reasonable fees shall be charged for emergency medical transport services provided by all emergency medical services personnel, whether provided by volunteer or town employees upon adoption of a schedule of rates for emergency medical transport services. The schedule of rates for services shall be established by resolution of the town council. The funds received from the payment of these fees shall be used to aid in defraying the cost of providing emergency services.

- (1) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any vehicle, vessel or aircraft, which holds a valid permit issued by the office of emergency medical services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded or otherwise incapacitated or helpless. The term "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.

Emergency medical services personnel means persons responsible for the direct provision of emergency medical services in a given medical emergency, including all persons who could be described as attendants, attendant-in-charge or operators.

Emergency medical transport services means services providing transportation in an ambulance, accompanied by emergency medical services personnel, as defined herein.

- (2) Billing.

- a. A bill will be generated for ambulance transports by all emergency medical services personnel whether the personnel are volunteers or town employees.
- b. Patients will generally fall into one of the following categories for billing purposes:
  1. Insured, town/county resident or non-resident. The appropriate insurance carrier will be billed for emergency transport services utilized by town and county residents, as well as non-residents.
  2. Uninsured town/county residents. The town compassionate billing policy provides for waiver of emergency transport fees for uninsured town and county residents that can demonstrate a financial hardship. A statement showing zero balance will be sent to any patient qualifying for such waiver.
  3. Uninsured non-resident. A bill will be sent to the patient transported. If the individual has the ability to pay, then payment is expected in full. If the patient can demonstrate financial hardship in accordance with the compassionate billing policy, they may qualify for waiver of fees.
  4. Bill generated/no collection. There are instances when a bill is generated in which the town would be merely transferring funds from one department budget to another to satisfy the bill. For example, when an on-duty town employee is transported for a compensable workers' compensation injury, the town is responsible for payment of those expenses. If the workers' compensation claim is denied, the employee's health insurance will be billed. The billing contractor will update its records to reflect such adjustment. Designated personnel will notify the town's billing contractor that the bill generated is internal to the town in those circumstances to ensure proper record keeping.

- (3) Compassionate billing policy.

- a. No one will ever be denied necessary medical transport service due to either his inability to pay or a lack of insurance.
- b. All consumers of ambulance services will be asked, in writing, to provide information regarding available insurance coverage. All consumers of ambulance services will receive written notification of the value of services received and notice of billing forwarded to their insurers.
- c. Compassionate billing is intended to eliminate or minimize out-of-pocket expenses for ambulance services received by town and county residents. The town regards taxes paid by town residents and residents of the county as inclusive of copays and/or deductibles for ambulance service for all persons living in a taxpaying household. Elderly or disabled town or county residents qualifying for real estate tax relief shall be deemed qualified for relief from any deductible or copay for ambulance services received.
- d. Any town or county resident lacking health insurance may submit a waiver request form stating a financial hardship.
- e. The town's billing process or company will not pursue payment recovery through a debt collection agency without express authorization of the town manager or his designee.
- f. Non-residents receiving town medical transport will receive a bill, but these nonresidents may also apply for a financial hardship waiver.
- g. If any insured party requires EMS transport within a given calendar year that exceeds his policy limits and no additional insurance coverage is available, the fees for service beyond coverage limits will be waived.
- h. If the insurance company deems the transport is not medically necessary, the billing company will verify the information that was submitted to the insurance company and resubmit the claim for reconsideration. If the insurance carrier still deems the transport not medically necessary, the town manager or his designee will review the individual case for possible waiver of the fees.
- i. Town volunteer fire and rescue personnel, whether they are town residents or not, will not be charged out-of-pocket expenses for ambulance services.

(Ord. No. 2013-1, § 23-8, 2-19-2013)

**Secs. 26-26—26-50. Reserved.**

FOOTNOTE(S):

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**State Law reference**— Gifts and payments to rescue squads, Code of Virginia, § 15.2-953 et seq. ([Back](#))

### **ARTICLE III. FIRE PREVENTION AND PROTECTION** [\[2\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - VOLUNTEER FIRE COMPANY

## DIVISION 3. - FIRE PREVENTION CODE

### FOOTNOTE(S):

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**Charter reference**— Fire prevention, ch. 5.[\(Back\)](#)

**State Law reference**— Forest resources and the Department of Forestry, Code of Virginia, § 10.1-1100 et seq.; removal, repair, etc., of dangerous structures, Code of Virginia, § 15.2-906; nuisances, keeping of combustibles, Code of Virginia, § 15.2-1115; false fire or ambulance alarms, Code of Virginia, § 18.2-212; fire protection, Code of Virginia, § 27-1 et seq.; statewide fire prevention code, Code of Virginia, § 27-94 et seq.; explosives, Code of Virginia, § 59.1-137 et seq.; fireworks, Code of Virginia, § 59.1-142 et seq.[\(Back\)](#)

### ***DIVISION 1. GENERALLY***

[Sec. 26-51. Duties of police at fires.](#)

[Sec. 26-52. Police powers of fire chief.](#)

[Sec. 26-53. Establishment and maintenance of fire lines.](#)

[Sec. 26-54. Direction of traffic by firefighters.](#)

[Sec. 26-55. Compliance with command of police officer or firefighter at fire; assistance to fire department.](#)

[Sec. 26-56. Obstruction of access to fire hydrants.](#)

[Sec. 26-57. Penalties.](#)

[Secs. 26-58—26-82. Reserved.](#)

### **Sec. 26-51. Duties of police at fires.**

The police shall attend all fires in the town and shall so direct traffic and enforce traffic regulations in the vicinity of the fire as to expedite the approach and work of the fire department. The police shall also safeguard property during the progress of the fire.

(Code 1972, § 12-1; Code 1992, § 12-1)

### **Sec. 26-52. Police powers of fire chief.**

The fire chief shall, for the specific purpose of safeguarding life and property, have police powers during a fire.

(Code 1972, § 12-2; Code 1992, § 12-2)

**State Law reference**— Powers of arrest for certain violations, Code of Virginia, § 27-15.1.

**Sec. 26-53. Establishment and maintenance of fire lines.**

The fire chief shall establish fire lines, where needed, during any fire, and the police shall be responsible for maintaining such lines until the emergency has passed.

(Code 1972, § 12-3; Code 1992, § 12-3)

**Sec. 26-54. Direction of traffic by firefighters.**

Officers of the fire department, when at the scene of a fire, may direct or assist in directing traffic thereat or in the immediate vicinity.

(Code 1972, § 12-4; Code 1992, § 12-4)

**State Law reference**— Direct and control traffic in person or by deputy and facilitate the movement of traffic until the arrival of a police officer, Code of Virginia, § 27-15.1.

**Sec. 26-55. Compliance with command of police officer or firefighter at fire; assistance to fire department.**

It shall be unlawful for any person in attendance at a fire to fail, neglect or refuse to comply with the commands of a firefighter or police officer, or, in case of need, for any person to fail, neglect or refuse to render assistance to the fire department upon request or command of the fire chief or other officer in charge.

(Code 1972, § 12-5; Code 1992, § 12-5)

**State Law reference**— Violations are a class 4 misdemeanor, Code of Virginia, § 27-15.1.

**Sec. 26-56. Obstruction of access to fire hydrants.**

- (a) It shall be unlawful for any person to park a vehicle or permit it to stand, whether attended or unattended, within 15 feet of a fire hydrant.
- (b) It shall be unlawful for any person to park a vehicle or permit it to stand, whether attended or unattended, in or on a designated fire lane, or in any way to obstruct access to a designated fire lane, including designated fire lanes in any business, commercial or industrial areas located in the town.

(Code 1992, § 12-6; Ord. of 12-2-1986, § 12-6)

**State Law reference**— Similar provisions, Code of Virginia, § 46.2-1239.

**Sec. 26-57. Penalties.**

- (a) Any person who shall violate any of the provisions of this chapter, or shall fail to comply therewith, shall be guilty of a Class 4 misdemeanor, punishable as provided for in such cases under the laws of the state. The imposition of one penalty for any violation shall not excuse the violation or permit it to

continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1992, § 12-7; Ord. of 12-2-1986, § 12-19)

**Secs. 26-58—26-82. Reserved.**

***DIVISION 2. VOLUNTEER FIRE COMPANY*** <sup>[3]</sup>

[Sec. 26-83. Establishment.](#)

[Sec. 26-84. Officers.](#)

[Sec. 26-85. Election and certification of officers; roster of members.](#)

[Sec. 26-86. Absence or disability of chief.](#)

[Sec. 26-87. Apparatus and equipment—Generally.](#)

[Sec. 26-88. Same—duties of chief.](#)

[Sec. 26-89. Record and report of fires.](#)

[Secs. 26-90—26-127. Reserved.](#)

**Sec. 26-83. Establishment.**

A volunteer fire company has been formed in the town pursuant to Code of Virginia, § 27-6.1 et seq.

(Code 1972, § 12-7; Code 1992, § 12-36)

**Sec. 26-84. Officers.**

The volunteer fire company shall elect its own officers annually with the exception of the fire chief, who shall be appointed by the town manager. Those elected by the volunteer fire company shall consist of an assistant fire chief, captain, engineers and a secretary-treasurer, together with any other officers deemed necessary by the volunteer fire company or the town council.

(Code 1992, § 12-37; Ord. of 5-3-1988, § 12-8)

**Sec. 26-85. Election and certification of officers; roster of members.**

All officers of the volunteer fire department elected by its members shall be certified to the council immediately after election, together with a complete and corrected roster of the company before they assume the responsibilities of their respective offices.

(Code 1992, § 12-38; Ord. of 5-3-1988, § 12-9)

**Sec. 26-86. Absence or disability of chief.**

In case of absence or disability of the chief of the volunteer fire company, the ranking officer present shall exercise all the powers and assume all the responsibilities of the chief.

(Code 1972, § 12-10; Code 1992, § 12-39)

**Sec. 26-87. Apparatus and equipment—Generally.**

All apparatus and equipment used and to be used for extinguishing fires and for emergency rescue service employed by the volunteer fire company and purchased by the town shall be the property of the town. The volunteer fire company shall have the right to use the town's fire equipment for the purpose of extinguishing fires and for practicing therewith.

(Code 1972, § 12-11; Code 1992, § 12-40)

**Sec. 26-88. Same—duties of chief.**

It shall be the responsibility of the chief of the volunteer fire company to keep all apparatus referred to in section 26-87 in proper condition and repair, and to that end to make regular systematic inspections of such apparatus and equipment. It shall be the duty of the chief of the volunteer fire company to report to the town manager at least once each year and as often as may be deemed necessary as to the condition of such apparatus and equipment, with recommendations as to new equipment, additional or replacement, required for the protection of life and property in the town. Such reports shall be submitted, in writing, to the town manager.

(Code 1992, § 12-41; Ord. of 5-3-1988, § 12-12)

**Sec. 26-89. Record and report of fires.**

The fire chief shall make or cause to be made a careful record of all fires occurring in the town together with the estimated loss resulting therefrom. He shall make a report of the data so collected for the period coinciding with the fiscal year of the town and submit it in writing to the town manager within one month following the end of the fiscal year of each year.

(Code 1972, § 12-13; Code 1992, § 12-42)

**Secs. 26-90—26-127. Reserved.**

FOOTNOTE(S):

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State Law reference— Fire departments, Code of Virginia, § 27-6.1. [\(Back\)](#)

### ***DIVISION 3. FIRE PREVENTION CODE*** <sup>[4]</sup>

[Sec. 26-128. Fire Prevention Code and its appendices.](#)

[Sec. 26-129. Appointment of fire marshal.](#)

[Sec. 26-130. Appointment of deputy and assistant fire marshals.](#)

[Sec. 26-131. Authority.](#)

[Sec. 26-132. Investigation of fires.](#)

[Sec. 26-133. Enforcement.](#)

[Sec. 26-134. Right to enter property.](#)

[Sec. 26-135. Local board of fire code appeals.](#)

[Secs. 26-136—26-165. Reserved.](#)

#### **Sec. 26-128. Fire Prevention Code and its appendices.**

The town shall enforce the Virginia Statewide Fire Prevention Code and its appendices 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 its appendices and this article 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 town fire department.

#### **Sec. 26-129. Appointment of fire marshal.**

There shall be a fire marshal recommended for appointment by the fire chief to the town council. The fire chief may serve as the fire marshal. The fire marshal shall be the town fire official and shall have all the powers and duties set out in title 27, chapter 3 of the Code of Virginia pertaining to local fire marshals, including those powers and duties set out in the Statewide Fire Prevention Code and its appendices. Deputies and assistants of the fire marshal shall also have those powers and duties, in the absence of the fire marshal and as otherwise directed by the fire marshal, and the term "fire marshal," when used in this article, shall include deputies and assistants of the fire marshal.

#### **Sec. 26-130. Appointment of deputy and assistant fire marshals.**

The fire marshal shall, on behalf of the town council and in consultation with the fire chief, appoint, supervise and may terminate deputy or assistant fire marshals, which shall assist in the functions of the department with duties assigned by the fire marshal.

#### **Sec. 26-131. Authority.**

The fire marshal shall have the authority and duties set out in title 27, chapter 3 of the Code of Virginia and in the Statewide Fire Prevention Code and its appendices, including the power to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law, for violation of fire prevention and fire safety laws and related ordinances. The fire marshal shall have the same police powers as a sheriff, police officer or law enforcement officer and the fire marshal, deputies and assistants shall be responsible for investigation and prosecution of all offenses occurring within the town 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.

#### **Sec. 26-132. Investigation of fires.**

The fire marshal shall investigate, or cause to be investigated, and determine the origin and cause of every fire and explosion occurring within the town.

#### **Sec. 26-133. Enforcement.**

The fire marshal shall enforce the Statewide Fire Prevention Code and its appendices and fire safety laws and related ordinances and shall conduct inspections and plan reviews as necessary to ensure compliance with the Statewide Fire Prevention Code and its appendices. The fire marshal shall also have the authority to enforce provisions of this Code pertaining to fires and other related laws and regulations including those laws prohibiting parking in fire lanes, to issue permits with restrictions and conditions and to suspend or revoke permits pursuant to applicable laws.

#### **Sec. 26-134. Right to enter property.**

The fire marshal shall have the right, pursuant to title 27, chapter 3 of the Code of Virginia to enter upon any property from which a release of any hazardous material, hazardous waste or regulated substance, as defined in the Code of Virginia, has occurred or is reasonably suspected to have occurred and which has entered into the groundwater, surface water or soils of the county, city or town in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate may issue an investigation warrant to the fire marshal authorizing entry upon such property for the purpose of determining the origin and source of the release. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, the investigation shall be discontinued until a search warrant has been obtained or consent to conduct the search has otherwise been given.

#### **Sec. 26-135. Local board of fire code appeals.**

The local board of fire code appeals is hereby established. The local board of building code appeals shall also serve as the local board of fire code appeals and is hereby established and shall hear appeals made by any person who has been cited for a violation and is aggrieved by any decision or interpretation of the fire marshal made under the provisions of the Statewide Fire Prevention Code and its appendices. Such appeals shall be submitted and heard in accordance with the provisions of the Statewide Fire Prevention Code and its appendices.

#### **Secs. 26-136—26-165. Reserved.**

FOOTNOTE(S):

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**State Law reference**— Statewide fire prevention code, Code of Virginia, § 27-97. ([Back](#))

#### **ARTICLE IV. POLICE DEPARTMENT** <sup>[5]</sup>

[Sec. 26-166. Appointment of members.](#)

[Sec. 26-167. Powers and duties; oath of office; control by town manager.](#)

[Sec. 26-168. Issuance of orders of town manager.](#)

[Sec. 26-169. Direction of police chief; rules and regulations.](#)

[Sec. 26-170. Impersonating officer.](#)

[Sec. 26-171. Unclaimed personal property.](#)

[Secs. 26-172—26-203. Reserved.](#)

#### **Sec. 26-166. Appointment of members.**

Pursuant to Charter, § 2.31, the town council shall appoint the chief of police and provide for the employment of such other subordinate departmental officers of police and, in addition, such other police officers as it may deem necessary. This shall not be construed to apply to special police officers appointed under section 2.31 of the Charter.

(Code 1972, § 23-1; Code 1992, § 18-1)

#### **Sec. 26-167. Powers and duties; oath of office; control by town manager.**

The powers and duties of police officers shall be such as may be prescribed by the Charter, this Code, other ordinances of the town and the general laws of the state. Before entering upon the discharge of their duties, police officers shall take and subscribe the oath of office required by law. The town manager shall have control of such police officers.

(Code 1972, § 23-2; Code 1992, § 18-2)

#### **Sec. 26-168. Issuance of orders of town manager.**

All orders issued to the police department by the town manager shall be through the chief of police or, in the absence of the chief of police, the senior officer on duty.

(Code 1972, § 23-3; Code 1992, § 18-3)

#### **Sec. 26-169. Direction of police chief; rules and regulations.**

The police department shall be detailed for duty under the direction of the chief of police and shall be subject to such rules, bylaws, regulations and orders as may be prescribed by the town manager and the chief of police, either or both, not in conflict with any provision of this Code, other ordinances of the town or the provisions of the Charter and the laws of the state or of the United States.

(Code 1972, § 23-4; Code 1992, § 18-4)

**Sec. 26-170. Impersonating officer.**

Any person who shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal or other peace officer, or who shall falsely assume or pretend to be any such officer, shall be deemed guilty of a Class 1 misdemeanor.

(Code 1972, § 23-6; Code 1992, § 18-5)

**State Law reference**— Similar provisions, Code of Virginia, § 18.2-174.

**Sec. 26-171. Unclaimed personal property.**

- (a) Public sale in accordance with the provisions of this section or the retention for use by the police department shall be made of any unclaimed personal property which has been in the possession of the police department and unclaimed for more than 60 days, after payment of a reasonable storage fee to the police department. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the police department. As used in this section, the term "unclaimed personal property" means any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Code of Virginia, § 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with Code of Virginia, § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with Code of Virginia, § 15.2-1721.
- (b) Prior to the sale or retention of any unclaimed item, the chief of police, or his duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain from the commonwealth's attorney in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the county, once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the police department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police or his duly authorized agents shall pay from the proceeds of the sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the police department shall become the property of the town and shall be retained only if, in the opinion of the chief of police, there is a legitimate use for the property by the police department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.
- (c) If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the town and the retained property may be placed into use by the police department. Any such owner shall be entitled to apply to the town within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the town shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

(Code 1992, § 18-8; Ord. of 10-18-1988, § 23-8)

**State Law reference**— Authority for above section, Code of Virginia, § 15.2-1719.

**Secs. 26-172—26-203. Reserved.**

FOOTNOTE(S):

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**Charter reference**— Town police, § 2.31 et seq.[\(Back\)](#)

**State Law reference**— Police and public order, Code of Virginia, § 15.2-1701 et seq.; Line of Duty Act, Code of Virginia, § 15.2-1511; general municipal law enforcement powers, Code of Virginia, § 15.2-110 et seq.; auxiliary police forces, Code of Virginia, § 15.2-1731 et seq.; power of Governor to summon law enforcement agencies to execute process or preserve the peace, Code of Virginia, § 18.2-410; appointment of police officers for certain places, bond required, Code of Virginia, § 19.2-17. [\(Back\)](#)

## **ARTICLE V. FALSE ALARMS**

[Sec. 26-204. Purpose.](#)

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[Sec. 26-206. Alarm system user registration and permits.](#)

[Sec. 26-207. Duties of alarm system users.](#)

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[Sec. 26-209. Service charges for false alarms.](#)

[Sec. 26-210. Failure to pay service charges; revocation of alarm permit.](#)

[Sec. 26-211. Appeals.](#)

[Sec. 26-212. Penalty and interest.](#)

### **Sec. 26-204. Purpose.**

The purpose of this article is to minimize the unnecessary use of the town's emergency services by reducing the number of commercial false alarms and regulating the installation and maintenance of commercial alarm systems, as authorized pursuant to Code of Virginia, § 15.2-911, as amended.

(Ord. No. 2012-9, § 17-100, 10-16-2012)

### **Sec. 26-205. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means any device which, when actuated by the occurrence of a criminal act or fire risk requiring police, fire or rescue response, transmits a signal to a central alarm system, a third-party or directly to the town police department or produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

Alarm company operator means any person legally authorized to transact business within the Commonwealth of Virginia and currently maintaining either Virginia contractor's license or a local business license to engage in the business of installation, maintenance, alteration, servicing or monitoring alarm systems.

Alarm permit means a permit issued by the town treasurer upon receipt of a completed registration form for the use of an alarm system on commercial properties.

Alarm user means any non-residential commercial entity or business using a security or fire alarm system or having an insurable interest in any premises upon which is located such a system, regardless of whether the person or entity owns the security or fire alarm system or the premises on which it is located.

Commercial property means any commercial or business property that is required to obtain a town business license to operate in the town and has an alarm system installed at the place of business.

False alarm means any security or fire alarm signal, communicated directly or indirectly to the town police department, which is not in response to actual or threatened criminal activity or fire risk requiring immediate police, fire or rescue response. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the police department or fire and rescue service in nonemergency situations; and signals for which the actual cause is not determined. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified and determined by the chief of police or designee to be beyond the control of the user.

(Ord. No. 2012-9, § 17-101, 10-16-2012)

#### **Sec. 26-206. Alarm system user registration and permits.**

- (a) Every alarm user shall obtain an alarm system user permit from the town for the operation of an alarm system. If the alarm system is to be installed or maintained by an alarm company operator, the alarm company operator may obtain the required permit on behalf of the alarm system user. The person or entity applying for the permit shall state on the registration form provided by the town the following: name; address of the commercial premises; telephone number of the alarm system user; the type of alarm system (local or monitored); name of the alarm company operator selling or leasing the new or existing alarm system equipment or services; and the names, addresses and telephone numbers of at least two persons who can be reached at any time, day or night, and who are authorized to respond to an alarm signal and who can open and represent the premises in which the system is installed for reporting and investigative purposes. It shall be the responsibility of the alarm system user to make sure that such persons respond within 20 minutes of notification by the town. If the responsible party's response time is delayed longer than 30 minutes from the time police units are dispatched and there is no exterior indication of criminal activity, a determination will be made as to the need to remain on scene pending their arrival. It shall be the responsibility of the alarm system user to notify the town police department, in writing, of any subsequent changes in the information provided on the permit registration. Upon approval by the town of the alarm permit registration, the permit shall be issued to the alarm system user which shall be maintained on file in the business property.
- (b) Permits shall be renewed annually at the time that business licenses are obtained.
- (c) Any alarm system user who operates, or allows an alarm system to be operated, without first obtaining a permit as required by this section shall be in violation of this article and subject to service charges for every false alarm.

- (d) This permit requirement is intended to assist the police and fire departments, as well as the town manager, in the administration of the provisions of this article and shall not be deemed to create any special duty with respect to the protected premises beyond that owed to the general public.
- (e) Permits issued under this article shall be nontransferable.

(Ord. No. 2012-9, § 17-102, 10-16-2012)

#### **Sec. 26-207. Duties of alarm system users.**

Alarm system users shall instruct employees, tenants or others who may have occasion to activate an alarm that alarm systems are to be activated only in emergency situations to summon an immediate police or fire department response and shall provide instruction as to the operation of the alarm system, including setting, activation, deactivation and resetting of the alarm. The alarm system user shall be responsible for maintaining the alarm system in proper working order.

(Ord. No. 2012-9, § 17-103, 10-16-2012)

#### **Sec. 26-208. Duties of alarm company operators.**

- (a) No commercial alarm system shall be installed, monitored, altered, serviced or repaired to a level of operation by an alarm company operator, unless the alarm system user has complied with the registration and permit provisions of this article.
- (b) Every alarm company operator that installs, monitors, alters, services or repairs an alarm system after the effective date of this article shall certify that the alarm system user has been instructed in the proper use and operation of the alarm system.

(Ord. No. 2012-9, § 17-104, 10-16-2012)

#### **Sec. 26-209. Service charges for false alarms.**

- (a) All unregistered alarm systems will be charged a service charge of \$100.00 for every false alarm.
- (b) No service charge shall apply to the first four false fire and/or security alarms in each calendar year for each registered location provided the alarm system user is an alarm permit holder. A service charge of \$50.00 for the fifth response, \$100.00 for the sixth response, and \$150.00 for the seventh and subsequent false alarm response shall be assessed against the permitted alarm system user who activates, utilizes, operates or maintains an alarm system within the town. A registered location may, at their option, register for an upcoming alarm registration cycle for ten false fire and/or security alarms in the specific calendar year at no service charge provided that the registered location pays a \$500.00 alarm registration fee with the 11th and subsequent false alarm responses assessed at \$150.00 against the permitted alarm system user.
- (c) Any service charge or fee billed under this article shall be due 30 days from the date of invoice by the town and shall be payable to the town treasurer.

(Ord. No. 2012-9, § 17-105, 10-16-2012)

#### **Sec. 26-210. Failure to pay service charges; revocation of alarm permit.**

All service charges assessed against the alarm system user of the protected premises, if registered or not, who activates, utilizes, operates or maintains an alarm system shall be paid to the town treasurer.

In the event legal action is necessary to collect the service charges, the alarm system user shall be required to pay for any and all attorney fees and other costs expended by the town to collect such funds. The failure of a permit holder to pay any service charge assessed under this article, when due, shall constitute grounds for the revocation of an alarm permit by the town manager or his designee and subject the alarm user to a service charge in the amount of \$100.00 for every false alarm. An alarm permit that has been revoked pursuant to this section may be reinstated by the town manager or his designee upon payment of all outstanding service charges, a reinstatement fee of \$50.00 and compliance with all other requirements of this article.

(Ord. No. 2012-9, § 17-106, 10-16-2012)

#### **Sec. 26-211. Appeals.**

Upon an appeal made in writing to the town manager or his designee within 30 days of the date of receiving the town's invoice, any person against whom a service charge has been assessed under this article may appeal such charge to be reviewed by the town manager or his designee. The appeal shall include a brief statement setting forth why the person against whom the charge has been assessed believes that the service charge is not valid. The town manager or his designee may waive all or a portion of the service charge for good cause shown in the appeal.

(Ord. No. 2012-9, § 17-107, 10-16-2012)

#### **Sec. 26-212. Penalty and interest.**

Service charges which remain outstanding for more than 30 days will be charged a late penalty of ten percent of the amount owed and interest at six percent per annum.

(Ord. No. 2012-9, § 17-108, 10-16-2012)