

ORDINANCE # 0-2024-1

AN ORDINANCE TO AMEND TITLE III OF THE TOWN CODE

BE IT ORDAINED by the Council for the Town of Occoquan, Virginia meeting in regular session this 16th day of January, 2024:

1. That the Occoquan Town Council hereby amends the existing Town Code § 32.06 and Town Code §§ 34.00 through 34.99 and replaces them with the following:

TITLE III: ADMINISTRATION

Chapter

30. GENERAL PROVISIONS

31. TOWN COUNCIL

32. TOWN OFFICERS

33. TOWN BOARDS AND COMMISSIONS

34. ~~TOWN FIRE DEPARTMENT~~ TOWN PUBLIC SAFETY

35. TAXATION

Charter reference:

Powers generally, see § 1

Statutory reference:

Counties, cities, and towns, see VA Code Title 15.2

State and Local Government Conflict of Interests Act, see VA Code §§ 2.1-639.1 et seq.

State Public Procurement Act, see VA Code §§ 11-35 et seq.

State Public Records Act, see VA Code §§ 42.1-76 et seq.

The State Freedom of Information Act, see VA Code §§ 2.2-3100 through 2.2-3131

CHAPTER 32: TOWN OFFICERS

Section

- 32.01 Duties, powers, and functions of Mayor
- 32.02 Duties, powers, and functions of Vice-Mayor
- 32.03 Duties, powers, and functions of Town Manager
- 32.04 Duties of Town Clerk
- 32.05 Duties of Town Treasurer
- 32.06 Duties of Town ~~Chief of Police~~Sergeant/Deputy Town Sergeant/police officers
- 32.07 Duties, powers, and functions of Town Engineer
- 32.08 Duties, powers, and functions of Zoning Administrator
- 32.09 Duties, powers, and functions of Building/Code Official

Charter reference:

Town officers, see §§ 3 and 4

§ 32.06 DUTIES OF TOWN CHIEF OF POLICE.

~~(A) The Town Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the commonwealth, the ordinances of the Town of Occoquan and all rules and regulations made in accordance therewith. The Chief of Police and the other members of the Police Department shall have all the powers and duties of police officers as provided by the general laws of the commonwealth.~~

~~(B)~~ The Chief of Police is the head of the Police Department and shall be appointed by the Town Manager and shall have such additional duties, powers, and responsibilities as the Town Council believes to be in the best interest of the Town. The Chief of Police shall appoint all members of the Police Department and assign all members of the Police Department to their respective posts, shifts, details, and duties. The Chief of Police shall be responsible for the efficiency, discipline, and good conduct of the Police Department. Disobedience to the lawful commands of the Chief of Police or violation of the rules and regulations made by the Chief of Police shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

~~(C) The Chief of Police and police officers shall have the power to arrest without warrant and carry before the proper authority to be dealt with as the law provides, any and all persons who shall violate any provision of the code of the commonwealth, this code or other ordinances of the town.~~

~~(D) The Town shall have an auxiliary police force organized and operated under the Chief of Police. The Chief of Police shall appoint as auxiliary police officers as many persons of good character as deemed necessary, not to exceed 15, and their appointment shall be revocable at any time by the Chief of Police or the Town Manager. During the term of service, such auxiliary police shall possess all the powers, authority, and immunities of full time law enforcement officers in accordance with Code of Virginia § 15.2-1731. Auxiliary police shall not receive compensation from the town for services rendered as auxiliary police.~~

~~(E) All officers of police force shall read, sign, and agree to abide by Police Department general orders.~~

(1998 Code, § 2-186) (Ord. O-2022-06, passed 12-6-2022) (Ord. O-2023-15, passed 9-19-2023)

CHAPTER 34: ~~TOWN FIRE DEPARTMENT~~TOWN PUBLIC SAFETY

Police Department

34.01 Department created; police officers and appointments

34.02 Oaths of office

34.03 General powers and duties

34.04 Auxiliary police force

POLICE DEPARTMENT

§ 34.01 DEPARTMENT CREATED; POLICE OFFICERS AND APPOINTMENTS.

(A) The Town shall have a Police Department that is headed up and managed by the Chief of Police, who is appointed by the Town Manager as set forth in Section 32.06.

(B) The Chief of Police may appoint a Deputy Chief of Police and shall appoint all Police Officers of the Department and assign all officers of the Department to their respective posts, shifts, details, and duties. Police Officer powers and duties shall be as set forth in this subchapter and as authorized by the VA Code.

(C) All Police Officers shall read, sign and agree to abide by the Police Department general orders.

§ 34.02 OATHS OF OFFICE.

~~(A) The Chief of Police, Deputy Chief of Police, Police Officers, and members of the Police Department's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, swearing or affirming faithfully to discharge the duties of their offices.~~

§ 34.03 GENERAL POWERS AND DUTIES.

(A) The Police Department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the Town of Occoquan and all rules and regulations made in accordance therewith.

(B) The Chief of Police and Police Officers of the Town are law enforcement officers and shall have such powers, authority, duties, and immunities as are prescribed by state law and by this subchapter.

(C) The Chief of Police and Police Officers shall have the power to arrest without warrant and carry before the proper authority to be dealt with as the law provides, any and all persons who shall violate any provision of the code of the Commonwealth, this code or other ordinances of the Town.

(D) The Chief of Police may create any unit or division within the police department determined to be beneficial to the public safety.

§ 34.04 AUXILIARY POLICE FORCE.

(A) The Town may have an auxiliary police force organized and operated under the Chief of Police.

(B) The Chief of Police shall appoint as auxiliary police officers as many persons of good character as deemed necessary, not to exceed 15, and their appointment shall be revocable at any time by the Chief of Police or the Town Manager.

(C) During the term of service, such auxiliary police shall possess all the powers, authority, and immunities

of full-time law enforcement officers in accordance with Code of Virginia § 15.2-1731.

Fire Marshal

- 34.~~101~~ Office created; deputies; appointments
- 34.~~1102~~ Oaths of office
- 34.~~1203~~ General powers and duties
- 34.~~1304~~ Fire Marshal to be summoned to scene of fire, explosion, and the like
- 34.~~1405~~ Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances
- 34.~~1506~~ Power to arrest, to procure and serve warrants, and to issue summons
- 34.~~1607~~ Police powers of Fire Marshals
- 34.17 Suppression Capabilities

~~34.99~~ — ~~Penalty~~

FIRE MARSHAL OFFICE

§ 34.~~101~~ OFFICE CREATED; DEPUTIES; APPOINTMENTS.

(A) The Town Manager shall appoint the Chief Fire Marshal (the Fire Marshal).

(B) The Deputy Fire Marshal(s) and assistant fire marshals shall be appointed by the Chief Fire Marshal, whose powers and duties shall be as set forth in this subchapter and as authorized by the VA Code. (1998 Code, § 22-1) (Ord. O-2013-04, passed 4-2-2013)(Ord. O-2023-15, passed 9-18-2023)

§ 34.~~1102~~ OATHS OF OFFICE.

The Fire Marshal, Deputy Fire Marshal, assistant fire marshals, and members of the Fire Marshal's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their offices. (1998 Code, § 22-1.1) (Ord. O-2013-04, passed 4-2-2013)

§ 34.~~1203~~ GENERAL POWERS AND DUTIES.

The Fire Marshal and deputies or assistants shall have such powers and duties as are prescribed by state law and by this subchapter and other ordinances of the county. (1998 Code, § 22-1.2) (Ord. O-2013-04, passed 4-2-2013)

§ 34.~~1304~~ FIRE MARSHAL TO BE SUMMONED TO SCENE OF FIRE, EXPLOSION, AND THE LIKE.

The Fire Department officer-in-charge of any fire, explosion, or incident to which fire apparatus or equipment responds shall immediately summon the Fire Marshal to the scene to investigate the circumstances involved. Such Fire Marshal shall make an investigation, or cause to be investigated, the origin and cause of every fire and explosion occurring with the town. (1998 Code, § 22-2) (Ord. O-2013-04, passed 4-2-2013)

§ 34.~~1405~~ RIGHT OF ENTRY TO INVESTIGATE RELEASES OF HAZARDOUS MATERIAL, HAZARDOUS WASTE, OR REGULATED SUBSTANCES.

The Fire Marshal shall have the right to enter upon any property from which a release of any hazardous material,

hazardous waste, or regulated substance, as defined in VA Code §§ 10.1-1400 or 62.1-44.34:8, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water, or soils of the county, city, or town in order to investigate the extent and cause of any such release. 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 or she has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the city or county where the property is located may issue an investigation warrant to the Fire Marshal authorizing him or her to enter 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, he or she shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

(1998 Code, § 22-4) (Ord. O-2013-04, passed 4-2-2013)

§ 34.1506 POWER TO ARREST, TO PROCURE AND SERVE WARRANTS, AND TO ISSUE SUMMONS.

The Fire Marshal and his or her assistants appointed pursuant to VA Code § 27-36 shall have the authority to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of the fire prevention and fire safety laws and related ordinances.

(1998 Code, § 22-5) (Ord. O-2013-04, passed 4-2-2013)

§ 34.1607 POLICE POWERS OF FIRE MARSHALS.

In addition to such other duties as may be prescribed by law, the Fire Marshal and his or her assistants appointed pursuant to VA Code § 27-36 shall have the same police powers as a sheriff, police officer, or law enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts, or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs shall be the responsibility of the Fire Marshal or his or her designee.

(1998 Code, § 22-5.1) (Ord. O-2013-04, passed 4-2-2013)

§ 34.17 FIRE SUPPRESSION AND LIFE-SAVING CAPABILITIES.

The Town may undertake such functions, including planning, public education, response, and mitigation to fire, emergency medical services, hazardous materials, rescue, and/or other emergency incidents as deemed appropriate by the Town Manager.

Emergency Management

34.20 Created; Appointment

34.21 General Powers and Duties

34.22 Declaration of Emergencies

34.23 Emergency Powers

EMERGENCY MANAGEMENT

§ 34.20 CREATED; APPOINTMENT.

(A) In accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Code of Virginia, § 44-146.19 et seq.) of the Code of Virginia, as amended, the Town may create an emergency management unit under the Town Police Department for collaborating closely with the Prince William County Office of Emergency Management and the Virginia Department of Emergency Management to ensure integration of the Town into the Prince William County Emergency Management organizations. Emergency management shall be headed up by a coordinator of emergency management.

(B) The Town Council may from time to time appoint or remove from appointment a coordinator of emergency management to ensure integration of the Town organization into the Prince William County emergency management organization

§ 34.21 GENERAL POWERS AND DUTIES.

(A) In collaboration with the Prince William County Office of Emergency Management and the Virginia Department of Emergency management, other public and private agencies within the Commonwealth, the coordinator of emergency management may develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of an incident or disaster too great to be dealt with unassisted.

(B) The coordinator of emergency management, once appointed, shall in concert with the Prince William County Office of Emergency Management and Virginia Department of Emergency Management prepare or cause to be prepared and kept current one or more local or interjurisdictional emergency plans for the Town of Occoquan, for dealing with disasters of different types and scopes. The plan or plans shall include, but not be limited to, responsibilities of town government, and they shall establish a chain of command according to the National Incident Management System. Plans shall be closely coordinated with the Prince William County Emergency Operations Plan and other relevant guidance documents, reviewed annually, and updated when changes result from the review, with documentation.

(C) The coordinator of emergency management shall have such other powers and duties as authorized by Town Council and provided for in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Code of Virginia, § 44-146.13 et seq.), as amended from time to time, and any and all other applicable laws, plus all powers reasonably and necessarily implied from any express grant of authority.

§ 34.22 DECLARATION OF EMERGENCIES

(A) Declarations of Emergency are the responsibility of Prince William County. However, the Chief of Police, or coordinator of emergency management, may communicate a need or desire that Prince William County officials declare an emergency within the Town. Prior to requesting a declaration of a local emergency to Prince William County, the Chief of Police, or the coordinator of emergency management, shall attempt to obtain the consent of the Town Mayor. However, if such consent is not reasonably practical under emergent circumstances, then a declaration request shall nevertheless be transmitted as valid and of full force and authority.

(B) During limited incidents or emergencies not rising to the level of a formal Declaration of Emergency but requiring enhanced and atypical emergency steps on behalf of the Town's departments, offices, or personnel, the Chief of Police or coordinator of emergency management, may take any or all actions to respond to or mitigate a threat, natural or manmade.

§ 34.23 Emergency Powers

(A) When a local emergency declaration has been declared by the Prince William County Office of Emergency Management, the Chief of Police or coordinator of emergency management may engage in any actions authorized by statute to address the emergency.

(B) The Town Manager or coordinator of emergency management may invoke any emergency powers granted by Town ordinance or policy in accordance with such ordinance or policy, without the necessity of a local emergency declaration.

§ 34.99 PENALTY.

(A) Unless otherwise specified in §§ 34.~~10+~~ through 34.~~1707~~, any person, firm, or corporation who shall violate any of the sections of §§ 34.~~10+~~ through 34.~~1707~~, or any provisions of the Fire Prevention Code adopted in accordance with §§ 34.~~10+~~ through 34.~~1707~~, shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of §§ 34.~~10+~~ through 34.~~1707~~, and shall, upon conviction, be punishable as a class 1 misdemeanor.

(B) A violation of §§ 34.~~10+~~ through 34.~~1707~~ shall be construed to be an infringement, breach, or failure to comply with any provision of §§ 34.~~10+~~ through 34.~~1707~~ or any order made thereunder, or any act of building in violation of any detailed statement, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or any failure to comply with such an order within the time fixed therein.

(C) Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

(1998 Code, § 22-27) (Ord. O-2013-04, passed 4-2-2013)

2. That this ordinance is effective upon passage.

BY ORDER OF THE TOWN COUNCIL

Meeting Date: January 16, 2024
Town Council Meeting
Ord No. O-2024-1

RE: An Ordinance to Amend Title III of the Town Code

MOTION: Vice Mayor Loges
SECOND: Councilmember Freeborne Brinton
ACTION: Approve

Votes:

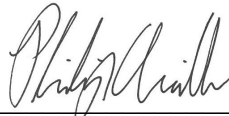
**Ayes: Vice Mayor Loges, Councilmember Daubresse, Councilmember Freeborne Brinton,
Councilmember Fithian, and Councilmember Perkins**

Nays: None

Absent from Vote: None

Absent from Meeting: None

CERTIFIED COPY_____



Town Clerk