

TITLE 3

Public Safety

- Chapter 1 Police Protection
- Chapter 2 Fire Protection and Prevention

CHAPTER 1

Police Protection

State Law Reference: Police and public order, Va. Code, Title 15.2-Ch. 17 (15.2-1700 et seq.); authority of towns to preserve peace, Va. Code, Sec. 15.2-1700: powers and duties of police force, Va. Code, Sec. 15.2-1704.

- § 3-1-1 Chief of police department.
- § 3-1-2 Composition of department.
- § 3-1-3 Responsibilities.
- § 3-1-4 Issuance and service of summons in place of warrant.

Sec. 3-1-1 Chief of police department.

Subject to the general supervision of the mayor, the police department shall be under the direction and control of the police chief.

Sec. 3-1-2 Composition of department.

The department shall consist of such officers and employees of such ranks and positions as approved by the council.

Sec. 3-1-3 Responsibilities.

(a) The department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments and for such other matters of public safety and law enforcement as directed by the mayor and required by the council.

(b) All patrol activities must be conducted within the town limits with a one-mile buffer; exceptions:

- (1) If dispatched by the dispatcher, mayor, or town clerk
- (2) Mutual aid (only if requested by another department)
- (3) Official duties (Court, meetings, etc. by authorization)
- (4) In pursuit of an offender

(c) Call Response - All calls are to be logged in on the shift log and a complaint report must be filed.

Sec. 3-1-4 Issuance and service of summons in place of warrant.

(a) Whenever any person is arrested for a violation of any town ordinance or of any provision of this code, except as otherwise provided in title 46.2 or section 18.2-266 of the Code of Virginia, as amended, the arresting officer shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.

(b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction, who shall proceed according to provisions of section 19.2-123 of the Code of Virginia.

(c) Any person who will fully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(d) Anything in this section to the contrary notwithstanding, if any person is believed by the arresting officer to be likely to disregard a summons issued under the provisions of this section, the arresting officer shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he may determine proper.

(e) Notwithstanding the above, if any person is reasonably believed by the arresting officer to be likely to cause harm to himself or to any other person, the officer may take such person before a magistrate or other issuing authority of the county and request the issuance of a warrant.

CHAPTER 2
Fire Protection and Prevention

ARTICLE A
Fire Department

- § 3-2-1 Chief of the fire department.
- § 3-2-2 Employees of department; acknowledged.
- § 3-2-3 Duty of chief in case of fire.
- § 3-2-4 Chief to investigate cause of every fire.
- § 3-2-5 Inspection to be made upon complaint.
- § 3-2-6 Chief to order fire hazards remedied.
- § 3-2-7 Failure to comply with order unlawful.
- § 3-2-8 Right to enter a building or premises.
- § 3-2-9 Citizens must keep out of way at fires.
- § 3-2-10 Must not interfere with firemen or fire apparatus.
- § 3-2-11 Only firemen may ride on fire trucks without permission.
- § 3-2-12 Designation as Emergency Medical Response Agency

ARTICLE B
Fire Prevention Code

(Reserved)

ARTICLE A
Fire Department

Sec. 3-2-1 Chief of the fire department.

The members of the volunteer fire department shall elect the fire chief who must be approved by the council. The chief of the volunteer fire department shall have general control of the department, the personnel, apparatus and fire alarm system of the town.

Sec. 3-2-2 Employees of department; acknowledged.

The members of the Burkeville Volunteer Fire Department are acknowledged to be employees of the Town of Burkeville, Virginia, and that the effective date of this provision be retroactive to June 1, 1975, the effective date of section 65.1-4.1, Code of Virginia, workmen's compensation premiums having been paid from and before that date by the town for its volunteer firemen.

Sec. 3-2-3 Duty of chief in case of fire.

Whenever a fire shall occur, it shall be the duty of the chief, assistant chief, or their authorized designee to proceed immediately to the place of the fire and to take active charge of the fighting thereof.

Sec. 3-2-4 Chief to investigate cause of every fire.

If the chief, assistant chief, or their authorized designee in charge of fighting a fire has reason to believe that such fire is of suspicious origin, the chief shall notify the state fire marshal or other proper authorities, designated by law to pursue the investigation of such matters, and shall cooperate with the authorities in the collection of evidence and in the prosecution of the case when instituted.

Sec. 3-2-5 Inspection to be made upon complaint.

Whenever any person shall make written complaint to the chief that any business or premises constitutes a fire hazard, it shall be the duty of the chief to have the same inspected immediately.

Sec 3-2-6 Chief to order fire hazards remedied.

Whenever the chief shall find that any building or premises constitutes a fire hazard for any reason, he shall notify the state fire marshal or other proper authorities and serve upon the owner and the occupant of such building a written notice specifying the condition complained of, ordering the same to be remedied promptly, and indicating a reasonable time for compliance with the order.

Sec. 3-2-7 Failure to comply with order unlawful.

It shall be unlawful to fail to comply, within a reasonable time after the service of the order, with the requirements thereof.

Sec. 3-2-8 Right to enter a building or premises.

The chief, or any member of the fire department when so directed by the chief, shall have the right to enter any building or premises at any reasonable hour for the purpose of making any inspection provided for by this article.

Sec. 3-2-9 Citizens must keep out of way at fires.

No person shall be in any street, alley or square near where a fire is in progress, in such a way as to interfere with the activities of the fire department.

Sec. 3-2-10 Must not interfere with firemen or fire apparatus.

No person shall interfere with a fireman in the discharge of his duty, nor shall any person, other than a member of the fire department, loiter about any fire station or change, handle or meddle in any manner with any fire engine or other fire apparatus.

Sec. 3-2-11 Only firemen may ride on fire trucks without permission.

No person, other than a bona fide member of the fire department, shall mount any fire engine, wagon or apparatus while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of such engine or other fire apparatus.

Sec. 3-2-12 Designation as Emergency Medical Response Agency

By resolution of council dated January 14, 2003, the Burkeville Volunteer Fire Department is designated as an Emergency Medical Response Agency for Burkeville and Nottoway County.

ARTICLE B
Fire Prevention Code

(Reserved)