

STEPHENS CITY CODE

Chapter 15

POLICE

***Cross references:** Administration, ch.2; town sergeant, § 2-110; administration and enforcement of animals chapter, § 3-8; traffic and motor vehicles ch. 10; fire lanes on private property devoted to public use, §10-4; Vehicles exempt from emergency snow plan, § 10-102; inspections for nuisances, § 13-26; false alarms and reports, § 14-7; removal of snow from sidewalks, § 17-10; demonstrations and parades, § 17-91 et seq.; radio in taxicab to receive police calls prohibited, § 20-14; town sergeant to receive copy of application for taxicab certificate, § 20-48.

State law references-Police and public order, extraterritorial jurisdiction, Code of Virginia, §§ 15.1-131 et seq., 19.2-250; Line of Duty Act, Code of Virginia, §15.1-136.1 et seq.; general municipal law enforcement powers, Code of Virginia §15.1-137 et seq.; auxiliary police forces, Code of Virginia, §15.1-159.2 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 policemen for certain places, bond required, Code of Virginia, § 19.2-17.

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Sec. 15-1. Composition and duties of police force.

The town sergeant and such other police officers as may from time to time be authorized and appointed by the town Council shall constitute the police force of the Town, and they shall have such ranks and grades as may be designated for them by the Town Council. It shall be the duty of the police force to enforce the laws of the state, the provisions of this Code and other ordinances and resolutions of the Town Council and to maintain the public peace within the Town and to the extent provided by the Town Charter and State law, within the unincorporated area surrounding the Town which is within one mile of the town limits.

(Code 1975, § 13-1)

State law references-Sheriffs and sergeants, Code of Virginia, §15.1-74 et seq.; general powers police officers, Code of Virginia, §§15.1-131 et seq., 15.1-138; sergeants of town, Code of Virginia, §15.1-796; conservators of the peace and special policemen, Code of Virginia, §19.2-12 et seq; how far jurisdiction of corporate authority extends, Code of Virginia, §19.2-250.

Sec 15-2. Town sergeant; chief of police.

(a) The town sergeant shall be ex officio chief of police.

(b) The chief of police, under the general supervision of the mayor, shall be head of the police department and commanding officer of the police force, subject, however, to the control of the mayor as provided in section 13 of the town charter. The chief of police shall be responsible for the administration, training, discipline and morale of the police force of the town and for the effective and efficient deployment and employment of the members and property thereof to prevent and detect crime, to preserve the peace and to enforce state law and the town ordinances within the town and within the police jurisdiction of the town.

(c) The chief of police is hereby authorized to regulate, restrict or prohibit the assembly of persons and the movement of persons and vehicles within the town when there is a clear and present danger of civil commotion or disturbance in the nature of a riot.

(Code 1975, §13.2)

State law references-Sheriffs and sergeants, Code of Virginia, §15.1-74 et seq.; sergeants of towns, Code of Virginia, § 15.1-796.

Sec. 15-3. Chain of command, obedience to orders.

The chain of command within the police department shall descent from the chief of police through the other police officers in order or rank and seniority within rank. Subordinates shall have the powers and perform the duties of their immediate superiors when such superiors are absent or disabled. It shall be unlawful for any police officer to refuse or fail to comply with any lawful order of his superior in the chain or command.

(Code 1975, §13-3)

State law reference-Failure to obey order of conservator of the peace, Code of Virginia, §18.2-464.

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Sec. 15-4. Willful failure or delay to execute process.

If any police officer willfully and corruptly refuses to execute any lawful process requiring him to apprehend or confine a person convicted of or charged with an offense or willfully and corruptly omits or delays to execute such process, whereby such person shall escape and go at large, such officer shall be guilty of a class 3 misdemeanor.

(Code 1975, § 15-4)

State law reference-Similar provisions, Code of Virginia, § 18.2-469.

Sec. 15-5. Duty of police to report nuisances.

It shall be the duty of the police officers to report to the mayor, through the chief of police, every nuisance or obstruction that they may find on or in any street, sidewalk, creek, gutter or drain, or in any house or other structure or on any land within the town and then execute the order of the chief of police in regard thereto.

(Code 1975, §13-5)

Cross reference – Nuisances, ch. 13.

State law reference- Authority of town to cause nuisances to be abated or removed, Code of Virginia, §§ 15.1-14, 15.1-867.

Sec. 15-6. Department rules and regulations.

The mayor, in consultation with the chief of police, shall prepare and may from time to time amend rules and regulations and inconsistent with state law, the town charter, this Code or other ordinances or resolutions of the Town Council, as he may deem appropriate for the government of the police department and to implement the provisions of this chapter. Such rules and regulations shall be in full force and effect when approved by resolution of the Town Council and a true copy of such rules and regulations has been placed on file at police headquarters for the inspection and use by the members of the department, and it shall then be unlawful for any member of the department to violate or fail to comply with any such approved rule or regulation so filed at police headquarters.

(Code 1975, §13-6)

Sec. 15-7. Auxiliary police; appointment; regulation.

There may be appointed by the office of the mayor auxiliary police officers, not to exceed six so appointed and serving at the same time, for the further preservation of the public peace, safety and in good order of the community. The mayor, in consultation with the chief of police, shall establish rules and regulations for the operation of the auxiliary police officers, their uniforms, arms other equipment, and training.

(Ord. 10-3-89, §13-7)

State law reference-Auxiliary police force, Code of Virginia, §15.1-159.2 et seq.; number of auxiliary policemen, Code of Virginia, §15.1-159.4; uniforms, Code of Virginia, §15.1-159.5.

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Sec. 15-8. Police powers of off duty officers.

Consistent with the rules and regulations for the Stephens City Police Department, Law Enforcement Officers employed by the Town of Stephens City may engage in off duty employment which may occasionally require the use of their police powers in the performance of the off duty employment.

