

**ORDINANCES ON
SECOND AND
FINAL READING**

**AGREEMENT BETWEEN
PRINCE GEORGE COUNTY AND
CITY OF HOPEWELL TO PROVIDE AUTOMATIC FIRE
PROTECTION AND EMERGENCY MEDICAL SERVICES**

THIS AGREEMENT ("Agreement"), effective the ____ day of _____, 2015 ("Effective Date"), is by and between the COUNTY OF PRINCE GEORGE, a political subdivision of the Commonwealth of Virginia ("County") and the CITY OF HOPEWELL, a municipal corporation ("City").

WHEREAS, each party has the independent power and capability to provide fire protection and emergency medical services within its boundaries, and the County and the City recognize that each party is fully capable of providing these independent services to adequately serve their respective political subdivisions; and

WHEREAS, the parties nevertheless desire to jointly exercise powers under §§ 27-2 through 27-4, Code of Virginia, 1950, as amended, in order to maximize the effective delivery of emergency services by automatically responding with the closest units from the adjacent jurisdiction; and

WHEREAS, the County and the City have already entered into a mutual aid agreement on January 25, 2000, and a "First Response" firefighting/EMS Agreement on August 14, 2012, both of which remain in effect and supplement the automatic aid provided for in this Agreement; and

WHEREAS, this cooperative Agreement is entered into in furtherance of the policies set forth in § 15.2-3209(5), Code of Virginia, 1950, as amended, and shall be without prejudice to either party.

WITNESSETH:

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by both the County and the City the parties hereby covenant and agree as follows:

**SECTION I.
AUTOMATIC RESPONSE OBLIGATIONS**

A. Response Limits. The City and the County shall each automatically respond with resources to the other jurisdiction within the areas defined on the attached map (Exhibit A), which map, notwithstanding the provisions of Section XIV of this Agreement, may be amended by agreement of the Hopewell Fire Chief and the Prince George Director of Fire, EMS and Emergency Management, subject to the approval of the City Manager of Hopewell and the County Administrator of Prince George. Such response shall be considered part of the initial response to that incident. The area in the County of Prince George in which the City will automatically respond is identified in blue. The area in the City of Hopewell in which the County will automatically respond is identified in red. This Agreement shall predetermine the minimum personnel and physical resources to be used and dispatched in accordance with these

commitments and established procedures. The rendering of assistance under the terms of this Agreement is mandatory to the extent apparatus and personnel are available; however, the locality responding to the emergency shall immediately inform the receiving locality if assistance cannot be rendered.

B. Automatic First Response. Automatic aid from the County to the City and from the City to the County shall be provided: (1) whenever there is an incident in the other locality that requires a minimum two engine response, such as motor vehicle accidents with entrapments and structural fires; and (2) whenever emergencies require the use of red lights and sirens by the responding fire/EMS vehicles.

“Public service” assistance, post-fire investigations, and other responses that do not require the use of red lights and sirens shall not require an automatic response from the other jurisdiction.

SECTION II.
DEDICATED RESOURCES

The County’s automatic-aid response shall consist of one Engine Company with a minimum of 2 personnel staffing that will respond into the area delineated by a blue boundary on Exhibit A. The County will provide an engine that has capabilities similar to that of a “type 1” fire engine.

The City’s automatic-aid response shall consist of one Engine Company with a minimum of 2 personnel staffing that will respond into the area delineated by a red boundary on Exhibit A. The City will provide an engine that has capabilities similar to that of a “type 1” engine.

To the extent possible, each locality shall also provide other emergency response apparatus, equipment, and personnel consistent with the scope and demands of the emergency.

SECTION III.
STANDARDS GOVERNING RESPONSES

A. When both parties are responding to an emergency within the areas designated in Exhibit A, and after initial command responsibility has been exercised by the immediately arriving units, the party providing aid in accord with this Agreement shall, upon arrival of resources from the receiving party, cede control to the receiving party and operate under the direction and control of the receiving party.

B. The party providing aid shall remain on the scene of the emergency until released by the Incident Commander (as defined herein) of the receiving party. Such release shall be as expeditious as possible.

C. It shall be the responsibility of the Incident Commander on the scene to summon additional personnel and equipment if needed to handle the emergency.

D. The Incident Commander on the scene will determine the need for continued response by other dispatched units that have not arrived.

E. The established Incident Command System will be used to manage all incidents.

F. If either the County or the City does not immediately have resources available for an automatic-aid dispatch as part of this Agreement, such resources from the non-responding party will respond to the specific emergency when relieved from the responsibility that initially precluded a response. Notification will be made to the receiving party if there are no available units.

SECTION IV. COMMUNICATION

The emergency communication center ("ECC") responsible for dispatching responses in the jurisdiction where the incident occurs will be responsible for directing response units and all subsequent communication. The Command and Tactical Frequencies will be identified by the responding party and relayed to the party receiving aid before any equipment is dispatched. When a department is dispatched through this Agreement, the responding party will conduct radio traffic in the following manner:

A. Notify home ECC of the response and tell them that the unit is switching frequencies;

B. Notify the ECC of the jurisdiction where the unit is responding that the unit is responding;

C. Any radio traffic (report on conditions, cancellation of resources, resource requests, etc.) will be communicated through the ECC where the incident occurs;

D. When released, the ECC of the receiving jurisdiction shall communicate to the responding jurisdiction that the unit is released and returning to its home unit frequency; and

E. The ECC of the receiving locality shall also notify its units of the responding units' release.

SECTION V. COMMITMENT TO JOINT TRAINING

Both parties to this Agreement shall schedule and participate in joint training exercises.

Such training shall include mutually agreed upon subject matters, as well as times and locations to be determined by the Hopewell Fire Chief and Prince George Director of Fire, EMS and Emergency Management.

SECTION VI. OPERATIONAL RESPONSE PLAN FOR AUTOMATIC AID

A written operational Response Plan shall be mutually agreed upon by the Hopewell Fire Chief and the Prince George Director of Fire, EMS and Emergency Management. This plan shall include, if necessary, specific boundaries of response, emergency response guidelines,

jurisdictional responsibility, communications, and resource availability not otherwise provided for in this Agreement.

SECTION VII.
COMMAND AUTHORITY

A. Receiving Party to Have Command Authority. When either the County or the City responds under this Agreement into the neighboring jurisdiction, the Incident Commander of the receiving jurisdiction shall be in command of all staffing and equipment committed to the incident; however, the officer first at the scene initially will be in command even if the location of the incident is not their jurisdiction. Command will then be passed to the first officer from the jurisdiction where the incident has occurred. The Incident Commander shall mean the person in overall command at the incident as defined in the National Incident Management System.

B. Judicious Use of Personnel and Equipment. It shall be the responsibility of the Incident Commander of the receiving jurisdiction to utilize the staffing and equipment from the jurisdiction providing aid only to the extent that is required to bring the emergency under control.

C. Order of Releases. The staff and equipment from the jurisdiction providing aid shall be the first released from the scene of the emergency.

SECTION VIII.
REPORTS

The responding party shall be responsible for completing all required reports, including but not limited to, reports mandated by local or state government.

SECTION IX.
COMPENSATION

All services provided by either the County or the City under this Agreement shall be performed without monetary compensation for the first twelve hours of the incident. If the incident exceeds twelve hours, party receiving such services agrees to reimburse the other party for the entire replacement cost of specialized agents and materials, such as foam, light-water, etc., or other expendable consumer supplies, which are used by the other party in providing firefighting, emergency-rescue, or other disaster services within the requesting party's jurisdiction.

All salaries, pensions, health insurance, disability protection, worker's compensation, death benefits, and other benefits provided to employees of the County or to employees of the City, as well as to all volunteer members who respond, shall apply to the services performed by the respective employees or volunteer members under this Agreement outside their respective jurisdictions.

SECTION X.
WAIVER OF CLAIMS

Nothing in the provisions of this Agreement is intended to affect the legal liability of

either party under Virginia law.

A. In accordance with the authority set out in § 27-2, Code of Virginia, 1950, as amended, the County and the City waive all claims against the other for compensation for any loss, damage, personal injury claim, property damage or loss, or death arising out of the performance of this Agreement. Neither locality shall be liable to the other locality for any loss, damage, personal injury, or death to any personnel resulting from the performance of official duties in accordance with this Agreement, whether such loss, damage, injury or death shall occur within or without the jurisdictional boundaries of the County of Prince George or the City of Hopewell.

B. In accordance with the authority set out in § 27-2, Code of Virginia, 1950, as amended, the County and the City shall indemnify and save harmless the other locality from all claims by third parties for property damage or personal injury which may arise out of the activities under this Agreement outside their respective jurisdictions.

C. When either party is operating under this Agreement on any call beyond its jurisdictional limits, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the boundaries of such locality.

SECTION XI. IMMUNITY

The services performed and expenditures made under this Agreement shall be deemed for public and governmental purposes and all immunities from liability enjoyed by the party within its boundaries shall extend to its participation in rendering firefighting, rescue, medical, or other emergency and disaster assistance outside its boundaries. It is understood that for the purpose of the Agreement, the requested party is rendering aid once it has entered the boundaries of the locality receiving assistance.

SECTION XII. AGREEMENT NOT FOR BENEFIT OF THIRD PARTIES

This Agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party, and no third party shall have any right of action hereunder for any reason whatsoever. Any services performed or expenditures made in connection with this Agreement by either party shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the receiving jurisdiction.

SECTION XIII. TERM

This Agreement shall commence upon the Effective Date of this Agreement and shall remain in full force and effect for five (5) years.

This Agreement may be terminated without cause by either the County or City upon written notice of termination given to the other party at least ninety (90) days in advance of the

effective date of such termination. Notice of termination shall be personally served and mailed, by first-class mail to the address designated below, or to such other address as may be designated by written notice.

If to the City: Mark A. Haley, City Manager
CITY OF HOPEWELL
300 North Main Street, Room 218
Hopewell, Virginia 23860

With a copy to: Stefan M. Calos, City Attorney
SANDS ANDERSON PC
1111 E. Main Street, Suite 2400
Richmond, Virginia 23219

If to the County: Perry C. Ashcraft, County Administrator
COUNTY OF PRINCE GEORGE
6602 Courts Drive, 3rd Floor
Prince George, Virginia 23875

With a copy to: Steven L. Micas, County Attorney
6602 Courts Drive, 3rd Floor
Prince George, Virginia 23875

SECTION XIV.
AMENDMENTS TO AGREEMENT

This Agreement contains all of the terms and conditions agreed to between the parties. Except as otherwise specified, this Agreement shall not be amended or altered without the written consent of the parties.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

COUNTY OF PRINCE GEORGE,
A political subdivision of the Commonwealth of
Virginia

By _____
Percy C. Ashcraft, County Administrator

Approved as to form:

Steven L. Micas
County Attorney

CITY OF HOPEWELL,
A municipal corporation

By _____
Mark A. Haley, City Manager

Approved as to form:

Stefan M. Calos
City Attorney

Chapter 15 FIRE PREVENTION AND PROTECTION

ARTICLE I. ~~IN GENERAL~~

Sec. 15-1. Fire Chief

The head of the Fire Department shall be the Fire Chief, who ~~and~~ shall be appointed by the City Manager.

Sec. 15-2 Powers and duties of Fire Chief.

A. The Fire Chief ~~of the Fire Department~~, under the general supervision of the City Manager, shall be the commanding officer of the Fire Department and shall have the powers and perform the duties prescribed for his office by state law, the City Charter, this Code and other ordinances and resolutions of the City Council, and he shall be responsible for the:

1. Administration, training, discipline and morale of the members of the Fire Department;
2. Maintenance and good care of the equipment and apparatus of the Fire Department; and
3. Efficient employment of personnel, equipment and apparatus of the Fire Department for the prevention and extinguishment of fires within the City.

Sec. 15-3. Duties of Fire Chief during fire.

During a fire, the Fire Chief ~~of the Fire Department~~ shall control all water plugs, maintain order among the firefighters and bystanders, preserve property, command the city police, note and report to the City Manager all violations of the laws or city ordinances, and do all things necessary for the efficient operation of the Fire Department, ~~under the general direction of the City Manager.~~

While any fire department or fire company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property and returning to the station, the chief or other officer in charge of such fire department or fire company at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the firefighters at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief or other officer in charge shall display his firefighter's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons

refusing to obey the orders of the chief or other officer in charge at that time is guilty of a Class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or fire company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

Sec. 15-4. Battalion Chief and other officers; chain of command.

- A. The Battalion Chief and other officers of the Fire Department shall have such powers and perform such duties as may be delegated to them by the Fire Chief of the Fire Department. In the absence or disability of the Fire Chief, or the Fire Chief's designee of the Fire Department, the Battalion Chief ~~or the Fire Chief's designee~~ shall assume command of the Fire Department and exercise the powers and perform the duties of the Fire Chief.
- B. The chain of command shall descend from the Chief through the Battalion Chief to the other officers and members of the Fire Department in such order as shall be prescribed in the department regulations.
- C. It shall be unlawful for any officer or other member of the Fire Department to refuse or neglect to obey any lawful order of ~~his~~ a superior in the chain of command, and any person found guilty of a violation of this subsection shall be subject to a fine not to exceed \$100.

~~State law reference:~~

Sec. 15-5. Powers and ~~D~~uties of Fire Department.

The Fire Department and all members thereof shall have all the powers and perform all the duties prescribed for them, ~~respectively~~, by the City Charter, this chapter, and other ordinances and by state law, with particular reference to Article 1, Chapter 9, of Title 27 (the Statewide Fire Prevention Code Act) of the Code of Virginia, as may be amended from time to time.

Sec. 15-6. Enclosure of fire scenes.

The Fire Department and police officers of the City are hereby given the authority to stretch lines around any fire area, and no person shall be allowed within ~~this~~ such enclosure except

persons connected with the Fire Department or Police Department of the City, or have permission from the Fire Chief, Fire Marshall, or officer in charge of the scene, and it shall be unlawful for any other person to pass within any area so enclosed.

Sec. 15-7. ~~Rules and Regulations.~~

The City Manager, in consultation with the Fire Chief ~~of the Fire Department~~ as a representative of the members of the Fire Department ~~appointed by the members~~, may from time to time promulgate and amend such regulations for the Fire Department, not inconsistent with state law, the City Charter, this ~~chapter~~ article or any other ordinance or resolution of the City Council, as may be deemed appropriate for the government of the Fire Department or to implement the provisions of this chapter. Such regulations shall be in full force and effect when approved by resolution of the City Council and a true copy thereof has been ~~placed on file~~ in the office of the City Clerk and another true copy ~~thereof has been placed on file~~ in the office of the Chief Chief ~~of the Fire Department~~ and is there made available to the members of the Fire Department ~~for inspection and use during all regular business hours~~, and ~~it shall then be~~ unlawful for any member of the Fire Department to violate ~~or fail to comply with any such~~ approved regulation so filed at Department headquarters.

Sec. 15-8. Department bylaws.

Pursuant to the Code of Virginia, the City Council hereby empowers the members of the Fire Department to make bylaws to promote the purposes and objectives of the Fire Department, not inconsistent with state law, the City Charter, this ~~chapter~~ article or other ordinance or resolution of the City Council, provided that such bylaws shall not become effective until approved by resolution of the City Council.

- ~~1-A.~~ _____ The Fire Chief ~~of the Fire Department~~, or ~~his~~ the Fire Chief's designee, shall be the Fire Marshal, per the requirements in the Code of Virginia and the Statewide Fire Prevention Code Act.
- ~~2-B.~~ _____ The Fire Chief ~~of the Fire Department~~, or ~~the Fire Chief's~~ his designee, shall ~~also~~ be the Fire Official, per the requirements in the Code of Virginia and the Statewide Fire Prevention Code Act.
- ~~3-C.~~ _____ Within the Fire Department, there shall be appointed, by the Fire Marshal, such deputies and assistants as may be necessary. These deputies and assistants shall have the same powers and perform the same duties as the Fire Marshal, at ~~his~~ the direction of or in his ~~the~~ absence of the Fire Marshal. The Fire Marshal, and the Fire Marshall's ~~his~~ deputies and assistants shall be responsible for the enforcement of the Statewide Fire Prevention Code Act, this chapter, and related laws of the City and state, and for the investigation and prosecution of all cases of alleged arson and other fire-related incidents suspected to involve criminality.
- ~~4-E.~~ D. _____ In making such investigations, the Fire Marshal, ~~his~~ and the Fire Marshal's deputies and assistants may ~~issue a summons directed to the Sheriff of the City commanding him to~~

summon witnesses to ~~attend~~ appear before the Fire Marshal, or ~~his~~ the Fire Marshal's authorized designee, at such time and place as the Fire Marshal ~~he~~ may direct. The City Sheriff or any other ~~Any such~~ officer to whom ~~the such~~ summons is delivered shall forthwith execute it and make return thereof to the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant, at the time and place named therein. Any witnesses on whom such summonses are served may be compelled by the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant, to attend and give evidence and shall be liable in like manner as if the summonses had been issued ~~by a Magistrate~~ in a criminal case. They ~~Witnesses~~ shall be sworn by the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant, before giving evidence, ~~and~~ Such ~~their~~ evidence shall be reduced to writing ~~by him or under his direction~~ and subscribed by the Fire Marshal or the Fire Marshal's ~~deputy or assistant, or other designee~~ them, respectively.

5-F. The Fire Marshal, and the Fire Marshal's ~~his~~ deputies and assistants, before ~~entering~~ beginning their ~~upon their~~ duties, shall respectively take an oath, before any officer authorized to administer oaths, to faithfully ~~to~~ discharge their duties ~~of such office~~. A certificate of the oath shall be returned to and ~~preserved~~ filed by the City Clerk.

6-G. _____ The Fire Marshal, ~~his~~ the Fire Marshal's deputies and assistants shall have the authority to arrest, and 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 and laws of the City and state. The authority granted in this section shall not be exercised until such person has satisfactorily completed a training course for fire marshals and their assistants, which course shall be approved by the Virginia Fire Marshal Academy or its successor.

7-H. _____ The Fire Marshal and the Fire Marshal's ~~his~~ designated deputies and assistants shall have the same police powers as a Sheriff, police officer, or law enforcement officer. The investigation and prosecution of all offenses pursuant to Title 27 of the Code of Virginia, as amended, shall be the responsibility of the Fire Marshal or ~~his~~ the Fire Marshal's designee. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, other bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of fire bombs and other ~~-~~ explosive devices and ~~substances and fire bombs~~ shall be the responsibility of the Fire Marshal or ~~his~~ the Fire Marshal's designee. The police powers granted in this section shall not be exercised by the Fire Marshal or any deputy or assistant until such person has satisfactorily completed a course designed for fire marshals with police powers, and approved by the Virginia Fire Marshal Academy, or its successor. In addition, such person with police powers shall continue to exercise those powers only upon participation in, and satisfactory completion of, in-service and advanced courses and programs as shall be required and approved by the Virginia Fire Marshal Academy, or its successor.

8-I. The Fire Marshal, and the Fire Marshal's ~~his~~ deputies and assistants shall have the

authority to exercise the powers authorized by the Virginia Fire Prevention Code Act.

Sec. 15-9. Right of entry to investigate releases of hazardous material, hazardous waste or regulated substances.

The Fire Marshal, or the Fire Marshal's ~~his~~ deputies and assistants 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 §§ 10.1-1400 (Virginia Waste Management Act - Definitions) or 62.1-44.34:8 (State Water Control Law - Definitions) of the Code of Virginia, as amended, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water, or soils of the eCity, in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant makes an affidavit under oath that the origin or cause of any such release is undetermined and that ~~he~~ the Fire Marshal or the Fire Marshal's deputies or assistants has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the City may issue an investigation warrant authorizing ~~to~~ the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant authorizing him to enter such property for the purpose of determining the origin and source of the release. If the Fire Marshal, or the Fire Marshal's ~~his~~ deputy or assistant, after gaining access to any property pursuant to such ~~investigation warrant~~, has probable cause to believe that the release was caused by an act constituting a criminal offense, ~~he shall discontinue~~ the investigation should discontinue until a search warrant has been obtained or consent to conduct the search has otherwise been given.

Sec. 15-10. Service fees for emergency ambulance transport.

A. Pursuant to Code of Virginia § 32.1-111.14, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

B. Definitions. The following definitions shall apply to ambulance charges:

BASIC LIFE SUPPORT (BLS) — Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT)-Basic.
ADVANCED LIFE SUPPORT LEVEL 1 (ALS-1) — Services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.
ADVANCED LIFE SUPPORT LEVEL 2 (ALS-2) — Services shall be defined as advanced life support (ALS) services provided to a patient including any of the following medical procedures: manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, or intraosseous line, and the administration of three or more medications.
LOADED MILEAGE (LM) — Shall be assessed in statute mile from the location where the patient is picked up to a hospital or other facility where a patient is transported.

C. The schedule of rates for emergency ambulance transport services by the City of Hopewell shall be as follows:

Service	Fee
Basic Life Support	\$450
Advanced Life Support – <u>Level 1</u>	\$550
Advanced Life Support – <u>Level 2</u>	\$750
Grant Transport Miles	\$10.00 per loaded mile in addition to transport charges

D. The ~~Fire Chief of the Fire and the Emergency Medical Services~~ Department ~~is~~ are hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this section, including, but not limited to, a subscription program for City residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

Sec. 15-11. Participation by minors in volunteer fire company activities.

Pursuant to the ~~authority of~~ Code of Virginia, § 40.1-79.1 (Local Ordinance Authorizing Participation in Volunteer Fire Company Activities), the City hereby authorizes any minor 16 years of age or older who resides in the Commonwealth of Virginia, and is a member of a volunteer fire company within the City of Hopewell, with parental or guardian approval, ~~to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, and work with or participate fully in all activities of such volunteer fire company, provided such minor has attained certification under National Fire Protection Association (NFPA) 1001 (Firefighter I and II), level one, firefighter standards, as administered by the Department of Fire Programs.~~ The certification record and consent for each participant shall be ~~kept on file~~ filed in the office of the Hopewell Fire Department ~~Chief~~.

Secs. 15-12 thru 15-19 Reserved.

Article II. FIRE PREVENTION CODE

Sec. 15-20. The Virginia Statewide Fire Prevention Code Act.

The Virginia Statewide Fire Prevention Code Act, as adopted by the State Board of Housing and Community Development pursuant to § 27-97 (Adoption of Fire Prevention Code) of the Virginia Code, as amended ~~from time to time~~, and insofar as not inconsistent with the laws of the state and the ordinances of the ~~City~~, is hereby adopted by the ~~city council~~, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, is hereby adopted and incorporated as fully as if set forth herein. The City of Hopewell Board of Fire Prevention Code Appeals, as created by Sec. 15-23 of this Code, ~~The board of building code and fire prevention code appeals, as created by section 11-31 of this Code~~, shall constitute the city's local board of fire prevention code appeals. ~~State Law reference — Virginia Statewide Fire Prevention Code Act, Code of Virginia, § 27-94 et seq.~~

Sec. 15-21. Enforcement.

The fire prevention code adopted by this article shall be enforced by the Fire Department. The ~~Fire Chief of the Fire Department~~ may ~~detail~~ designate such members of the Fire Department as inspectors as ~~shall may, from time to time~~, be necessary for the enforcement of such code, ~~and~~ The Fire Chief ~~he~~ may recommend to the City Manager the employment of technical inspectors for enforcement of such code.

Sec. 15-22. Violations

- A. Any person who ~~shall violates~~ any of the provisions of the fire prevention code adopted by this article, ~~or fail to comply therewith, or who shall violates or fail to comply with~~ any order made thereunder, ~~or who shall builds~~ in violation of any detailed statement of specifications or plans ~~submitted and approved~~ thereunder, or any certificate or permit issued thereunder, ~~and~~ from which no appeal has been taken, or who ~~shall fails~~ to comply with such order as affirmed or modified by the City Manager or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a Class 1 misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day 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.

Sec. 15-23. Establishment of a Board of Fire Prevention Code Appeals; membership; duration of terms; Chairman and Secretary

- A. There is hereby created a City of Hopewell Board of Fire Prevention Code Appeals ("the Board"). The Board shall have the powers and duties specified in Section 112 ("Appeals") of the Virginia Statewide Fire Prevention Code Act and any amendments thereto, ~~and~~

~~¶~~The Board shall follow the procedures and other provisions specified in Section 112 or any superseding section of the Virginia Statewide Fire Prevention Code.

- B. The Board shall consist of five members appointed by ~~the Council of the City of Hopewell~~. The Board members shall, to the extent possible, represent different occupations or professions involved in fire prevention or building construction. At least one member shall be an experienced builder, and one member shall be a licensed professional engineer or architect. No employee or official of the City of Hopewell shall serve as a Board member.
- C. ~~Appointments by the City council to the Board shall be for the following terms: Initially,~~ one Board member shall be appointed for a two-year term; two Board members shall be appointed for three-year terms; and up to two Board members shall be appointed for four-year terms. Thereafter, such term shall be for two years. ~~The City Council may~~ reappoint any members, and it shall fill by appointment any vacancy on the Board for the duration of its unexpired term. Notwithstanding the terms herein, a board member may continue to serve until his predecessor is appointed.
- D. The Board shall annually ~~elect~~ appoint one of its members ~~to act as~~ Chairman. The ~~Administrative Assistant~~ to the Fire Chief, shall act as the Board's ~~S~~ecretary and shall perform those duties specified in Section 112, or any superseding section, of the Virginia Statewide Fire Prevention Code.

Secs. 15-234 thru 15-40 reserved.

ARTICLE III. FIRE CONTROL MEASURES

Sec. 15-41. Purpose of article.

The fire control measures and regulations set forth in this article have been adopted for the purpose of controlling conditions which could impede or interfere with fire suppression forces.

Sec. 15-42. Violations of article generally.

Except as otherwise provided in other sections of this article, a violation of any provision of this article shall constitute a Class 1 misdemeanor.

~~Sec. 15-43. Authority of fire chief at fires and other emergencies.~~

~~While any fire department or fire company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property and returning to the station, the chief or other officer in charge of such fire department or fire company at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the firefighters at the incident; (iii) notwithstanding the provisions of ~~55-46.2-888 through 46.2-891~~, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief or other officer in charge shall display his firefighter's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons refusing to obey the orders of the chief or other officer in charge at that time is guilty of a Class-4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law enforcement agencies or emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (~~5-10.1-1100 et seq.~~) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or fire company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.~~_x

Sec. 15-443. Interference with Fire Department operations.

It shall be unlawful and a Class 1 misdemeanor for any person to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or

block the path of travel of, any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

Sec. 15-464. Boarding or tampering with Fire Department emergency vehicles.

No person shall, without proper authorization from the person in charge of any Fire Department emergency vehicle, cling to, attach himself to, climb upon or into, board or swing upon such vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereof, or manipulate or tamper with, or attempt to manipulate or tamper with, any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, such vehicle.

~~Cross reference: Tampering with vehicles generally, § 18.2-146.~~

~~State law reference: Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.~~

Sec. 15-475. Damaging or defacing Fire Department emergency vehicles; injuring department personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any Fire Department emergency vehicle at any time, or to injure, attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

~~Cross reference: Damaging vehicles generally, § 18.2-146.~~

~~State law references: Damaging property of others generally, Code of Virginia, § 18.2-146 and 18.2-147~~

Sec. 15-486. Location or relocation of fire hydrants; placement or replacement of water mains.

The Fire Official shall recommend to the City Manager the location or relocation of new or existing fire hydrants and the placement of new, or replacement of inadequate, water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official.

Sec. 15-497. Fire hydrants and other protective measures for high hazard occupancies and uses.

All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than one hundred fifty (150) feet from a public street, or which require quantities of water beyond the capabilities of the public water distribution system, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Chief and shall be connected to a water system in accordance with accepted engineering practices. The Fire Chief shall designate and approve the number and location of such fire hydrants. The Fire Chief may

require the installation of sufficient fire hose and equipment ~~housed in accordance with the approved rules~~ and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the ~~f~~Fire ~~e~~Chief.

Sec. 15-~~5148~~. Damaging, obstructing, etc., fire hydrants and Fire Department connections generally.

- A. It shall be unlawful for any person to obscure from view, damage, remove, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property.

- B. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments prohibited by this section are not removed, the ~~f~~Fire ~~e~~Chief shall proceed to remove them ~~same~~. Removal Costs incurred in the performance of necessary work shall be paid from the eCity treasury on certificate of the Ffire eChief and with the approval of the City Manager. The city attorney shall institute appropriate action for the recovery of such costs, which shall constitute a lien on the property.

~~Cross reference: Parking near fire hydrants, § 22-447(a)(4). Title 27-100, 46.2-1220 and 46.2-1239.~~

Sec. 15-~~5249~~. Parking Near Fire Hydrants or Fire Lanes

- A. Parking in a fire lane or within 15 feet of any fire hydrant ~~is a violation of City ordinance, and will result in a fine of \$200.00 or, it is also a Class 1 Mmisdemeanor,~~ and the vehicle will be subject to towing at the owner's expense.

- B. Fire lanes will be either painted yellow or will be posted with a "No Parking Fire Lane" sign. Parking in a fire lane is a violation of the Virginia Statewide Fire Prevention Code, and is a Class 1 ~~M~~misdemeanor, and the vehicle will be subject to towing at the owner's expense.

Sec. 15-~~530~~. Obstructing, removing, etc., fire hydrants or fire appliances required by fire prevention code.

No person shall obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code adopted in this chapter, except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs or when permitted by the ~~F~~fire ~~e~~Chief. Whenever a fire appliance is removed, as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the ~~f~~Fire ~~e~~Chief.

Sec. 15-551. Open burning prohibited; exceptions

A. Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public property outside any building. Salvage, demolition operations, construction waste, or disposal of waste materials by burning is prohibited. Private property is regulated below.

B. Exceptions.

1. Open burning shall be prohibited other than for land clearing operations, conducted under authority of a permit issued by the ~~Fire Official~~ or the Fire Official's designee.

2. Open burning, where permitted by this chapter, shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.

~~3.C.~~ Violation of ~~subsections (a) – (c)~~ of this section shall constitute a class 1 misdemeanor.

Sec. 15-562. New Construction.

A. All new construction with a ~~truss~~ roof shall have the letter "T" posted on the front of the building. Such letter shall be red and shall be no less than 12 inches in height, and 6 inches in width, in letters the size, color and style of which shall be as set forth by the Fire Department.

B. All ~~newly construction constructed~~ and ~~renovated~~/renovated/remodeled buildings will have a city fire hydrant installed ~~a city fire hydrant~~ within 50 feet of the Fire Department ~~connection~~.

C. Any new hydrant will be a city hydrant.

~~C.D.~~ The owner of the property and the owner's contractors or other agents shall jointly and severably be billed for noncompliance with this section, which non-compliance shall constitute a class 1 misdemeanor. Heather – verify that this is a class 1 and not a class 4 misdemeanor

Sec. 15-573. Fireworks and pyrotechnic displays prohibited; exceptions.

A. Except as otherwise provided in this section, it shall be unlawful for any person to transport, manufacture, assemble, store, sell, offer or display for sale, or to buy, use, possess, ignite or explode any firecracker, torpedo, sky rocket, or other substance or device that contains any explosive or flammable compound or substance, and is intended to be or commonly known as fireworks, and which has the capacity to explodes, rises into the air or travels laterally backward or forward, fires projectiles or

discharges sparks into the air.

- B. The provisions of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the ~~F~~fire code~~O~~fficial for the public or private display of fireworks or pyrotechnics, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit. The provisions of this section shall not apply to sparklers when used or ignited by an adult or a minor under the supervision of an adult.
- C. The ~~f~~fire code~~O~~fficial or any law enforcement officer shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks offered or exposed for display or sale, stored or held in violation of this section.
- D. Before the ~~f~~fire code~~O~~fficial issues any permit required by this section, the applicant for the permit shall submit evidence of liability insurance for the protection of persons and property from death, bodily injury and damage in an amount not less than \$1,000,000.00 or a greater amount if determined necessary by the City Manager, and in a form satisfactory to the city attorney.
- E. Violation of any provision of this section shall constitute a class 1 misdemeanor.

~~State Law reference — Permits for display of fireworks; use and exhibitions, Code of Virginia, § 15.2-974; seizure and destruction of certain fireworks, Code of Virginia, § 27-100.1.~~

ARTICLE IV. - FIRE ALARMS ORDINANCE

Sec. 15-547. Purpose

The purpose of this chapter is to regulate the use, operation and maintenance of alarm systems in order to reduce the number of false alarms, to promote the public health, safety and welfare, and to protect property in the Ccity.

Sec. 15-585. Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

- A. ~~A~~alarm ~~S~~system - A system or device that transmits a signal that indicated an occurrence or hazard requiring an emergency response at the protected premises. The term "alarm system" refers to all systems which are designed to attract the attention and response of City police or City fire and emergency medical services personnel, including, but not limited to, alarm bells, horns, siren and lights, which are either audible or visible beyond the lot lines of the protected premises.
- B. ~~A~~alarm ~~T~~test - A test of any alarm system designed to determine whether the system is working properly.
- C. ~~A~~automated ~~D~~dialing ~~D~~device - An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency that the alarm is designed to detect.
- D. Police Chief ~~Of Police~~ - The City of Hopewell Police Chief or his designee.
- E. Fire Chief ~~Of Fire And Ems~~ - The City of Hopewell Fire Chief or his designee
- F. ~~F~~false ~~A~~alarm - An alarm signal that results in a response by police, ~~or fire or~~ /emergency medical services ~~EMS~~ personnel that is not a result of actual or threatened criminal activity or other hazards. False alarms shall 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 or fire/EMS in nonemergency situations; and alarms for which the actual cause is not determined. False alarms shall not include signals activated by weather conditions, utility condition, or other causes which are identified and determined by the ~~Chief of Police~~ Chief, ~~or Chief of Fire~~ Chief and ~~EMS~~ to be beyond the control of the owner.
- G. ~~H~~hazard - An event requiring urgent attention and to which police or fire/EMS personnel are expected to respond.

H. ~~O~~**ccurrence** - An unauthorized intrusion, attempted burglary, or other criminal activity at the protected premises.

I. ~~P~~**ermit Holder** - The owner or tenant of residential, commercial or industrial premises upon which an alarm system has been placed for the purpose of detecting a hazard or occurrence requiring an emergency response.

Sec. 15-596. Intentional false alarms.

It shall be unlawful for any person without just cause to knowingly and willfully activate and alarm system causing a false alarm.

Sec. 15-6057. Alarm testing.

Any contractor or certified alarm technician shall notify the City Emergency Communications Center prior to any alarm testing. The same company shall notify the eCenter once all testing is complete.

Sec. 15-6158. Permit rRequired.

A. Every owner or tenant of residential, commercial or industrial premises protected by an alarm system within the City shall obtain, within 30 days of installation, a permit for the operation of the system ~~within 30 days of installation of the alarm system~~. The permit application shall be made on forms available from the Police Department and shall include, ~~but not limited to,~~ the following information:

1. The applicant's name, address, home and business telephone number.
2. The names, addresses and telephone number of the owners of any premises with an alarm system and the address and phone number of the premises themselves.
3. The names, addresses and home and business telephone numbers of at least two persons who are to be contacted in the event of the activation of the alarm system, and who are authorized to secure the premises.
4. A general description of the type of alarm system, including whether the system is audible or silent, and whether the system is monitored and by whom.
5. Any additional information required by the Police Chief, ~~of Police~~

B. The Police ~~Chief of Police~~ shall review the application for completeness and accuracy. If the application is satisfactory, the permit shall be issued.

C. If the information required on the permit application changes, the person providing the original information shall notify the Police Chief ~~of Police~~ of the change within 10 days of the change.

- D. A service fee of \$25 shall be assessed against the owner or tenant of any residential, commercial or industrial premises protected by an operative alarm system who has not obtained the required permit within the time limits set forth in this section. If a service fee is assessed, it must be paid before the permit will be issued. ~~If the permit required by the section,~~ If the permit required by the section is not obtained within 30 days after notification by the Police Chief of Police, continued operation of the alarm system shall constitute a misdemeanor, punishable by a maximum fine of \$250.
- E. This permit requirement is intended to assist the Police Department and the Fire Department in the administration of the provisions of this chapter and shall not create any special duty between the city or its employees and members of the public with respect to any premises protected by an alarm system.

Sec. 15-~~625~~9. Failure to respond; failure to silence.

- A. An owner or tenant of residential, commercial or industrial premises protected by an alarm system shall be assessed a civil penalty of \$100 if he or his designee fails to arrive at the protected premises within one hour of being notified in connection with an activation of the alarm system.
- B. An owner or tenant of residential, commercial or industrial premises protected by an alarm system which emits an audible signal loud enough to be heard by any other person outside the property shall be responsible for silencing such audible signal as soon as reasonably possible, but in all cases within 30 minutes ~~of~~ being notified in connection with an activation of alarm system. Any person failing to comply with this section shall be assessed a civil penalty of \$100.

Sec. 15-~~630~~. Service fees.

- A. The owner or tenant of any residential, commercial and industrial premises protected by an alarm system shall pay a service fee for false alarms originating from the protected premises. The service fee shall be due upon receipt of the bill and shall be payable to the City Treasurer. The service fee shall be assessed for each false alarm during each calendar year as follows:
 - 1. First alarm; no charge
 - 2. Second alarm: \$50
 - 3. Third alarm: \$75
 - 4. Fourth alarm: \$100
 - 5. Fifth alarm: \$125
 - 6. Sixth and each subsequent false alarm: \$150
- ~~7.~~ Failure to notify prior to alarm testing: \$150. The assessment of this \$150 fee precludes the assessment of a false alarm service fee for the same incident.
- B. Service fee shall not be charged for false alarms in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political

subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity.

Sec. 15-641. Failure to pay service fees or civil penalties; revocation of permit

- A. All service fees or civil penalties assessed by the Chief of Police or Chief of Fire against the owner or tenant or residential, commercial or industrial premises protected by an alarm system shall be due and owing to the City Treasurer. If legal action is necessary to collect the service fees or civil penalties, the owner or tenant shall be required to pay ~~ten~~ 10 percent collection fee to the City and all court costs necessary to collect such fees or penalties.
- B. The failure of a permit holder to pay any service ~~or~~ fee or civil penalty assessed under this chapter within 30 days after it is assessed shall constitute grounds for the revocation of an alarm system permit by the Police Chief of Police. Any service fee or civil penalty remaining unpaid 30 days after it has been assessed shall be referred to the City Treasurer for collection. A late payment penalty of 10% or \$10, whichever is greater, shall be added to the account upon referral to the City Treasurer. The City Treasurer may attempt to collect any fee or penalty due by any method authorized in the Code of Virginia. Any City agency or department, including the Finance Department, may assist the City Treasurer in collecting such fee or penalty. In addition, the Treasurer may impose upon the permit holder an administrative charge to offset the cost of engaging in collection. Such administrative charge shall not exceed the maximum amount authorized by Code of Virginia, 58.1-3958 (Payment of administrative costs, etc.). The continued operation of an alarm system by the owner or tenant of premises protected by an alarm system after notification by first-class mail that the permit has been revoked shall constitute a misdemeanor, punishable by a maximum fine of \$250.
- C. An alarm permit that has been revoked may be reinstated by the Police Chief ~~of Police~~ upon payment of all amounts owing.

Sec. 15-652. Appeals.

- A. Any person who believes that a service fee or civil penalty has been wrongfully assessed against him may appeal such assessment by submitting a letter to ~~the Chief of Police or the Fire Chief of Fire~~ within 10 days of receiving the bill. The letter shall contain the person's name, complete address and telephone number, the reasons for disputing the fee or assessment and any other written evidence which might justify a change in the assessment.
- A.
- B. The ~~Chief of Police or Fire Chief of Fire~~ may consider the evidence presented and render a written decision within 10 days of his receipt of the appeal unless an extension has been agreed upon by both parties. The ~~Chief of Police or Chief of Fire~~ Chief shall have the authority to waive or rescind, in whole or in part, a service fee or assessment ~~if he believes that~~ there is insufficient evidence to fully support the imposition of the service fee or assessment.

- C. The ~~Fire Chief of Police or Chief of Fire~~ may consider the following factors in reaching a determination on the appropriateness of a service fee or assessment:
 - D. Evidence of attempts by the person against whom the service fee is assessed to eliminate the cause of false alarms, such as:
 - 1. Installation of new equipment
 - 2. Replacement of defective equipment
 - 3. Certified inspection and repair of the system by an alarm system technician
 - 4. Specific formal training of the alarm's users,
 - E. Evidence that the false alarm was caused by unusually severe weather conditions
 - F. Evidence that the false alarm was caused by the disruption of telephone or electrical circuits beyond the control of the alarm user or the user's monitoring company and that the cause of such disruption has been corrected.
 - G. Evidence that the alarm system that caused the false alarm has been disconnected and removed from the protected premises.
 - H. Nothing in this section shall be interpreted to require the waiver or rescission of the service fee or assessment in appeals that meet any or all of the above factors. Such factors are intended as guidelines only and shall not prevent the Chief of Police or Chief of Fire from waiving or reducing service fees or assessments for any other reason.

Sec. 15-663. Automated dialing devices.

It shall be unlawful for any person to install, sell, lease, use, or cause or allow to be installed, sold, leased or used an automated dialing service or system which is set or programmed to make direct contact with the City's enhanced 911 emergency telephone system. All automated dialing devices shall be required to connect to an emergency seven-digit number designated by the City to the alarm user at the time of permit application.

Sec. 15-674. Enforcement.

The ~~Chief of Police and the Fire Chief of Fire~~ shall designate employees within ~~their~~ the Fire Department who shall enforce the provisions of this chapter by issuing a notice or citation of violation.

ARTICLE V. SMOKE DETECTORS

Sec. 15-685. Smoke detectors required.

The owner or owners of the following structures or buildings shall install smoke detectors in such structures or buildings:

- A. Any building containing one or more dwelling units.
- B. Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 15-696. Types of smoke detectors; method of installation.

Smoke detectors installed pursuant to this article shall be either battery-operated or AC-powered units and shall be installed in conformance with the provisions of the Uniform Statewide Building Code. For single family residences, the smoke detectors must be located according to the USBC as was written at the time the house was built. However, if the property is renovated at any time after the initial installation of the smoke detectors, the smoke detectors must be brought up to comply with the current code.

Sec. 15-7067. Certificates, rented or leased units.

The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

Sec. 15-7168. Tenants' and owners' interim responsibilities.

Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. The tenant shall not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative. The tenant shall also not remove or tamper with a properly functioning carbon monoxide detector installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative.

~~State law reference: Code of Virginia, § 55-248.16~~

Sec. 15-7269. - Penalty for violation.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be guilty of a Class 3 misdemeanor.

Chapter 15 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 15-1. Fire Chief

The head of the Fire Department shall be the Fire Chief and shall be appointed by the City Manager.

Sec. 15-2 Powers and duties of Chief.

1. The Chief of the Fire Department, under the general supervision of the City Manager, shall be the commanding officer of the Fire Department and shall have the powers and perform the duties prescribed for his office by state law, the City Charter, this Code and other ordinances and resolutions of the City council, and he shall be responsible for the:
 - a. Administration, training, discipline and morale of the members of the Fire Department;
 - b. Maintenance and good care of the equipment and apparatus of the Fire Department; and
 - c. Efficient employment of personnel, equipment and apparatus of the Department for the prevention and extinguishment of fires within the City.

Sec. 15-3. Duties of chief during fire.

During a fire, the chief of the Fire Department shall control all water plugs, maintain order among the firefighters and bystanders, preserve property, command the city police, note and report to the City Manager all violations of the laws or city ordinances and do all things necessary for the efficient operation of the department, under the general direction of the City Manager.

Sec. 15-4. Battalion Chief and other officers; chain of command.

1. The Battalion Chief and other officers of the Fire Department shall have such powers and perform such duties as may be delegated to them by the Chief of the Fire Department. In the absence or disability of the Chief of the Fire Department, the Battalion Chief or the Fire Chief's designee shall assume command of the Department and exercise the powers and perform the duties of the Chief.
2. The chain of command shall descend from the Chief through the Battalion Chief to the other officers and members of the Department in such order as shall be prescribed in the department regulations.
3. It shall be unlawful for any officer or other member of the Fire Department to refuse or neglect to obey any lawful order of his superior in the chain of command, and any person found guilty of a violation of this subsection shall be fined not to exceed \$100.

State law reference:

Sec. 15-5. Powers and Duties of Department.

The Fire Department and all members thereof shall have all the powers and perform all the duties prescribed for them, respectively, by the City Charter, this chapter and other ordinances and by state law, with particular reference to Article 1, Chapter 9, of Title 27 of the Code of Virginia.

Sec. 15-6. Enclosure of fire scenes.

The Fire Department and police officers of the City are hereby given the authority to stretch lines around any fire area, and no person shall be allowed within this enclosure except persons connected with the Fire or Police Department of the city, or have permission from the Fire Chief, Fire Marshall or officer in charge of the scene, and it shall be unlawful for any other person to pass within any area so enclosed.

Sec. 15-7. Rules and Regulations.

The City Manager, in consultation with the Chief of the Fire Department as a representative of the members of the Department appointed by the members, may from time to time promulgate and amend such regulations for the Fire Department, not inconsistent with state law, the City Charter, this chapter or any other ordinance or resolution of the City council, as may be deemed appropriate for the government of the Fire Department or to implement the provisions of this chapter. Such regulations shall be in full force and effect when approved by resolution of the City council and a true copy thereof has been placed on file in the office of the City Clerk and another true copy thereof has been placed on file in the office of the Chief of the Fire Department and is there made available to the members of the Department for inspection and use during all regular business hours, and it shall then be unlawful for any member of the Department to violate or fail to comply with any such approved regulation so filed at Department headquarters.

Sec. 15-8. Department bylaws.

Pursuant to the Code of Virginia, the City council hereby empowers the members of the Fire Department to make bylaws to promote the purposes and objectives of the Department, not inconsistent with state law, the City Charter, this chapter or other ordinance or resolution of the City council, provided that such bylaws shall not become effective until approved by resolution of the City council.

1. The Chief of the Fire Department, or his designee, shall be the Fire Marshal, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
2. The Chief of the Fire Department, or his designee, shall also be the Fire Official, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
3. Within the Fire Department, there shall be appointed, by the Fire Marshal, such deputies and assistants as may be necessary. These deputies and assistants shall have the same powers and perform the same duties as the Fire Marshal, at his direction or in

his absence. The Fire Marshal, his deputies and assistants shall be responsible for the enforcement of the Statewide Fire Prevention Code, this chapter, and related laws of the City and state, and for the investigation and prosecution of all cases of alleged arson and other fire-related incidents suspected to involve criminality.

4. In making such investigations, the Fire Marshal, his deputies and assistants may issue a summons directed to the Sheriff of the City commanding him to summon witnesses to attend before the Fire Marshal, or his authorized designee, at such time and place as he may direct. Any such officer to whom the summons is delivered shall forthwith execute it and make return thereof to the Fire Marshal, his deputy or assistant, at the time and place named therein. Any witnesses on whom such summonses are served may be compelled by the Fire Marshal, his deputy or assistant, to attend and give evidence and shall be liable in like manner as if the summonses had been issued by a Magistrate in a criminal case. They shall be sworn by the Fire Marshal, his deputy or assistant, before giving evidence, and their evidence shall be reduced to writing by him or under his direction and subscribed by them, respectively.
5. The Fire Marshal, his deputies and 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. A certificate of the oath shall be returned to and preserved by the City Clerk.
6. The Fire Marshal, his deputies and assistants 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 fire prevention and fire safety laws and related ordinances and laws of the City and state. The authority granted in this section shall not be exercised until such person has satisfactorily completed a training course for fire marshals and their assistants, which course shall be approved by the Virginia Fire Marshal Academy.
7. The Fire Marshal and his designated deputies and assistants shall have the same police powers as a Sheriff, police officer or law enforcement officer. The investigation and prosecution of all offenses pursuant to Title 27 of the Code of Virginia, as amended, shall be the responsibility of the Fire Marshal or his designee. 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 designee. The police powers granted in this section shall not be exercised by the Fire Marshal or any deputy or assistant until such person has satisfactorily completed a course designed for fire marshals with police powers, and approved by the Virginia Fire Marshal Academy. In addition, such person with police powers shall continue to exercise those powers only upon participation in, and satisfactory completion of, in-service and advanced courses and programs as shall be required and approved by the Virginia Fire Marshal Academy.

8. The Fire Marshal, his deputies and assistants shall have the authority to exercise the powers authorized by the Fire Prevention Code.

Sec. 15-9. Right of entry to investigate releases of hazardous material, hazardous waste or regulated substances.

The Fire Marshal, his deputies and assistants 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 §§ 10.1-1400 or 62.1-44.34:8 of the Code of Virginia, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the city, in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the Fire Marshal, his deputy or assistant 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 City may issue an investigation warrant to the Fire Marshal, his deputy or assistant authorizing him to enter such property for the purpose of determining the origin and source of the release. If the Fire Marshal, his deputy or assistant, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by an 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. 15-10. Service fees for emergency ambulance transport.

1. Pursuant to Code of Virginia § 32.1-111.14, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.
2. Definitions. The following definitions shall apply to ambulance charges:

BASIC LIFE SUPPORT (BLS) — Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT)-Basic.
ADVANCED LIFE SUPPORT LEVEL 1 (ALS-1) — Services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.
ADVANCED LIFE SUPPORT LEVEL 2 (ALS-2) — Services shall be defined as advanced life support (ALS) services provided to a patient including any of the following medical procedures: manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, or intraosseous line, and the administration of three or more medications.
LOADED MILEAGE (LM) — Shall be assessed in statute mile from the location where the patient is picked up to a hospital or other facility where a patient is transported.

3. The schedule of rates for emergency ambulance transport services by the City of Hopewell shall be as follows:

Service	Fee
Basic Life Support	\$450
Advanced Life Support – 1	\$550
Advanced Life Support – 2	\$750
Grant Transport Miles	\$10.00 per loaded mile in addition to transport charges

4. The Chief of the Fire and EMS Department is hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this section, including, but not limited to, a subscription program for City residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

Sec. 15-11. Participation by minors in volunteer fire company activities.

Pursuant to the authority of Code of Virginia, § 40.1-79.1, the City hereby authorizes any minor 16 years of age or older who resides in the Commonwealth of Virginia, and is a member of a volunteer fire company within the City of Hopewell, with parental or guardian approval, to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, and work with or participate fully in all activities of such volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. The certification record and consent for each participant shall be kept on file in the office of the Hopewell Fire Department.

Secs. 15-12 thru 15-19 Reserved.

Article II. Fire Prevention Code

Sec. 15-20. The Virginia Statewide Fire Prevention Code

The Virginia Statewide Fire Prevention Code, as adopted by the State Board of Housing and Community Development pursuant to § 27-97 of the Virginia Code, as amended from time to time, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, is hereby adopted and incorporated as fully as if set forth herein. The board of building code and fire prevention code appeals, as created by section 11-31 of this Code, shall constitute the city's local board of fire prevention code appeals.

State Law reference— Virginia Statewide Fire Prevention Code Act, Code of Virginia, § 27-94 et seq.

Sec. 15-21. Enforcement.

The fire prevention code adopted by this article shall be enforced by the Fire Department. The chief of the Fire Department may detail such members of the Fire Department as inspectors as shall, from time to time, be necessary for the enforcement of such code and he may recommend to the City Manager the employment of technical inspectors for enforcement of such code.

Sec. 15-22. Violations

1. Any person who shall violate any of the provisions of the fire prevention code adopted by this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the City Manager or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a class 1 misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 15-23. Establishment of a Board of Fire Prevention Code Appeals; membership; duration of terms; Chairman and Secretary

1. There is hereby created a City of Hopewell Board of Fire Prevention Code Appeals ("the Board"). The Board shall have the powers and duties specified in Section 112 ("Appeals") of the Virginia Statewide Fire Prevention Code and any amendments thereto; and the Board shall follow the procedures and other provisions specified in Section 112 or any superseding section of the Code.

2. The Board shall consist of five members appointed by the Council of the City of Hopewell. The Board members shall, to the extent possible, represent different occupations or professions involved in fire prevention or building construction. At least one member shall be an experienced builder, and one member shall be a licensed professional engineer or architect. No employee or official of the City of Hopewell shall serve as a Board member.
3. Appointments by the City council to the Board shall be for the following terms: one Board member shall be appointed for a two-year term; two Board members shall be appointed for three-year terms; and two Board members shall be appointed for four-year terms. The City council may reappoint any members, and it shall fill any vacancy on the Board for the duration of its unexpired term.
4. The Board shall annually elect one of its members to act as Chairman. The Administrative Assistant to the Fire Chief, shall act as the Board's Secretary and shall perform those duties specified in Section 112, or any superseding section, of the Virginia Statewide Fire Prevention Code.

Secs. 15-23 thru 15-40 reserved.

ARTICLE III. FIRE CONTROL MEASURES

Sec. 15-41. Purpose of article.

The fire control measures and regulations set forth in this article have been adopted for the purpose of controlling conditions which could impede or interfere with fire suppression forces.

Sec. 15-42. Violations of article generally.

Except as otherwise provided in other sections of this article, a violation of any provision of this article shall constitute a Class 1 misdemeanor.

Sec. 15-43. Authority of fire chief at fires and other emergencies.

While any fire department or fire company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property and returning to the station, the chief or other officer in charge of such fire department or fire company at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the firefighters at the incident; (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief or other officer in charge shall display his firefighter's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons refusing to obey the orders of the chief or other officer in charge at that time is guilty of a Class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1. Personnel from the news media, such as the press, radio, and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or fire company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

Sec. 15-44. Interference with Fire Department operations.

It shall be unlawful and a Class 1 misdemeanor for any person to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or

block the path of travel of, any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation.

Sec. 15-46. Boarding or tampering with Fire Department emergency vehicles.

No person shall, without proper authorization from the person in charge of any Fire Department emergency vehicle, cling to, attach himself to, climb upon or into, board or swing upon such vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereof, or manipulate or tamper with, or attempt to manipulate or tamper with, any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, such vehicle.

Cross reference: Tampering with vehicles generally, § 18.2-146.

State law reference: Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.

Sec. 15-47. Damaging or defacing Fire Department emergency vehicles; injuring department personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any Fire Department emergency vehicle at any time, or to injure, attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

Cross reference: Damaging vehicles generally, § 18.2-146.

State law references: Damaging property of others generally, Code of Virginia, § 18.2-146 and 18.2-147

Sec. 15-48. Location or relocation of fire hydrants; placement or replacement of water mains.

The fire official shall recommend to the City Manager the location or relocation of new or existing fire hydrants and the placement of new, or replacement of inadequate, water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official.

Sec. 15-49. Fire hydrants and other protective measures for high hazard occupancies and uses.

All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than one hundred fifty (150) feet from a public street, or which require quantities of water beyond the capabilities of the public water distribution system, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the fire chief and shall be connected to a water system in accordance with accepted engineering practices. The fire chief shall designate and approve the number and location of such fire hydrants. The fire chief may

require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire chief.

Sec. 15-51. Damaging, obstructing, etc., fire hydrants and Fire Department connections generally.

1. It shall be unlawful for any person to obscure from view, damage, remove, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property.
2. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments prohibited by this section are not removed, the fire chief shall proceed to remove the same. Costs incurred in the performance of necessary work shall be paid from the city treasury on certificate of the fire chief and with the approval of the City Manager. The city attorney shall institute appropriate action for the recovery of such costs.

Cross reference: Parking near fire hydrants, § 22-447(a)(4). Title 27-100, 46.2-1220 and 46.2-1239.

Sec. 15-52. Parking Near Fire Hydrants or Fire Lanes

1. Parking in a fire lane or within 15 feet of any fire hydrant is a violation of City ordinance, and will result in a fine of \$200.00. It is also a Class 1 Misdemeanor and the vehicle will be subject to towing at the owner's expense.
2. Fire lanes will be either painted yellow or will be posted with a "No Parking Fire Lane" sign. Parking in a fire lane is a violation of the Statewide Fire Prevention Code, and is a Class 1 Misdemeanor, and the vehicle will be subject to towing at the owner's expense.

Sec. 15-53. Obstructing, removing, etc., fire hydrants or fire appliances required by fire prevention code.

No person shall obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code adopted in this chapter, except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs or when permitted by the fire chief. Whenever a fire appliance is removed, as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire chief.

Sec. 15-55. Open burning prohibited; exceptions

1. Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public property outside any building. Salvage, demolition operations, construction waste, or disposal of waste materials by burning is prohibited. Private property is regulated below.
2. Exceptions.
 - a. Open burning shall be prohibited other than for land clearing operations, conducted under authority of a permit issued by the fire official or his.
 - b. Open burning, where permitted by this chapter, shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.
 - c. Violation of subsections (a)—(c) of this section shall constitute a class 1 misdemeanor.

Sec. 15-56. New Construction.

1. All new construction with a Truss roof shall have the letter "T" posted on the front of the building, in letters the size, color and style of which shall be as set forth by the Fire Department.
2. All new construction and renovation/remodels will install a city fire hydrant within 50 feet of the Fire Department Connection.
3. Any new hydrant will be a city hydrant.

Sec. 15-57. Fireworks and pyrotechnic displays prohibited; exceptions.

1. Except as otherwise provided in this section it shall be unlawful for any person to transport, manufacture, assemble, store, sell, offer or display for sale, or to buy, use, possess, ignite or explode any firecracker, torpedo, sky rocket, or other substance or device that contains any explosive or flammable compound or substance, and is intended or commonly known as fireworks, and which explodes, rises into the air or travels laterally, fires projectiles or discharges sparks into the air.
2. The provisions of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the fire code official for the public or private display of fireworks or pyrotechnics, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit. The provisions of this section shall not apply to sparklers when used or ignited by an adult or a minor under the supervision of an adult.
3. The fire code official or any law enforcement officer shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks offered or

exposed for display or sale, stored or held in violation of this section.

4. Before the fire code official issues any permit required by this section the applicant for the permit shall submit evidence of liability insurance for the protection of persons and property from death, bodily injury and damage in an amount not less than \$1,000,000.00 and in a form satisfactory to the city attorney.
5. Violation of any provision of this section shall constitute a class 1 misdemeanor.

State Law reference— Permits for display of fireworks; use and exhibitions, Code of Virginia, § 15.2-974; seizure and destruction of certain fireworks, Code of Virginia, § 27-100.1.

ARTICLE IV. - FIRE ALARM ORDINANCE

Sec. 15-57. Purpose

The purpose of this chapter is to regulate the use, operation and maintenance of alarm systems in order to reduce the number of false alarms, to promote the public health, safety and welfare, and to protect property in the city.

Sec. 15-58. Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

1. **Alarm System** - A system or device that transmits a signal that indicated an occurrence or hazard requiring an emergency response at the protected premises. The term "alarm system" refers to all systems which are designed to attract the attention and response of City police or City fire and emergency medical services personnel, including, but not limited to, alarm bells, horns, siren and lights, which are either audible or visible beyond the lot lines of the protected premises.
2. **Alarm Test** - A test of any alarm system designed to determine whether the system is working properly.
3. **Automated Dialing Device** - An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency that the alarm is designed to detect.
4. **Chief Of Police** - The City of Hopewell Police Chief or his designee.
5. **Chief Of Fire And Ems** - The City of Hopewell Fire Chief or his designee
6. **False Alarm** - An alarm signal that results in a response by police or fire/EMS personnel that is not a result of actual or threatened criminal activity or other hazards. False alarms shall 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 or fire/EMS in nonemergency situations; and alarms for which the actual cause is not determined. False alarms shall not include signals activated by weather conditions, utility condition, or other causes which are identified and determined by the Chief of Police or Chief of Fire and EMS to be beyond the control of the owner.
7. **Hazard** - An event requiring urgent attention and to which police or fire/EMS personnel are expected to respond.

8. **Occurrence** - An unauthorized intrusion, attempted burglary, or other criminal activity at the protected premises.
9. **Permit Holder** - The owner or tenant of residential, commercial or industrial premises upon which an alarm system has been placed for the purpose of detecting a hazard or occurrence requiring and emergency response.

Sec. 15-59. Intentional false alarms.

It shall be unlawful for any person without just cause to knowingly and willfully activate and alarm system causing a false alarm.

Sec. 15-60. Alarm testing

Any contractor or certified alarm technician shall notify the City Emergency Communications Center prior to any alarm testing. The same company shall notify the center once all testing is complete.

Sec. 15-61. Permit Required

1. Every owner or tenant of residential, commercial or industrial premises protected by an alarm system within the City shall obtain a permit for the operation of the system within 30 days of installation of the alarm system. The permit application shall be made on forms available from the Police Department and shall include, but not limited to, the following information:
 - a. The applicant's name, address, home and business telephone number.
 - b. The names, addresses and telephone number of the owners of any premises with an alarm system and the address and phone number of the premises themselves.
 - c. The names, addresses and home and business telephone numbers of at least two persons who are to be contacted in the event of the activation of the alarm system, and who are authorized to secure the premises.
 - d. A general description of the type of alarm system, including whether the system is audible or silent, and whether the system is monitored and by whom.
 - e. Any additional information required by the Chief of Police
2. The Chief of Police shall review the application for completeness and accuracy. If the application is satisfactory, the permit shall be issued.
3. If the information required on the permit application changes, the person providing the original information shall notify the Chief of Police of the change within 10 days of the change
4. A service fee of \$25 shall be assessed against the owner or tenant of any residential, commercial or industrial premises protected by an operative alarm system who has not obtained the required permit within the time limits set forth in this section. If a service

fee is assessed, it must be paid before the permit will be issued. If the permit required by the section. If the permit required by the section is not obtained within 30 days after notification by the Chief of Police, continued operation of the alarm system shall constitute a misdemeanor, punishable by a maximum fine of \$250.

5. This permit requirement is intended to assist the Police Department and the Fire Department in the administration of the provisions of this chapter and shall not create any special duty between the city or its employees and members of the public with respect to any premises protected by an alarm system.

Sec. 15-62. Failure to respond; failure to silence.

1. An owner or tenant of residential; commercial or industrial premises protected by an alarm system shall be assessed a civil penalty of \$100 if he or his designee fails to arrive at the protected premises within one hour of being notified in connection with an activation of the alarm system.
2. An owner or tenant of residential, commercial or industrial premises protected by an alarm system which emits an audible signal loud enough to be heard by any other person outside the property shall be responsible for silencing such audible signal as soon as reasonably possible, but in all cases within 30 minutes if being notified in connection with an activation of alarm system. Any person failing to comply with this section shall be assessed a civil penalty of \$100.

Sec. 15-63. Service fees.

1. The owner or tenant of any residential, commercial and industrial premises protected by an alarm system shall pay a service fee for false alarms originating from the protected premises. The service fee shall be due upon receipt of the bill and shall be payable to the City Treasurer. The service fee shall be assessed for each false alarm during each calendar year as follows:
 - a. First alarm; no charge
 - b. Second alarm: \$50
 - c. Third alarm: \$75
 - d. Fourth alarm: \$100
 - e. Fifth alarm: \$125
 - f. Sixth and each subsequent false alarm: \$150
 - g. Failure to notify prior to alarm testing: \$150. The assessment of this \$150 fee precludes the assessment of a false alarm service fee for the same incident.
2. Service fee shall not be charged for false alarms in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity.

Sec. 15-64. Failure to pay service fees or civil penalties; revocation of permit

1. All service fees or civil penalties assessed by the Chief of Police or Chief of Fire against the owner or tenant or residential, commercial or industrial premises protected by an alarm system shall be due and owing to the City Treasurer. If legal action is necessary to collect the service fees or civil penalties, the owner or tenant shall be required to pay ten-percent collection fee to the City and all court cost necessary to collect such fees or penalties.
2. The failure of a permit holder to pay any service or fee or civil penalty assessed under this chapter within 30 days after it is assessed shall constitute grounds for the revocation of an alarm system permit by the Chief of Police. Any service fee or civil penalty remaining unpaid 30 days after it has been assessed shall be referred to the City Treasurer for collection. A late payment penalty of 10% or \$10, whichever is greater, shall be added to the account upon referral to the Treasurer. The Treasurer may attempt to collect any fee or penalty due by any method authorized in the Code of Virginia. Any City agency or department, including the Finance Department, may assist the Treasurer in collecting such fee or penalty. In addition, the Treasurer may impose upon the permit holder an administrative charge to offset the cost of engaging in collection. Such administrative charge shall not exceed the maximum amount authorized by Code of Virginia, 58.1-3958. The continued operation of an alarm system by the owner or tenant of premises protected by an alarm system after notification by first-class mail that the permit has been revoked shall constitute a misdemeanor, punishable by a maximum fine of \$250.
3. An alarm permit that has been revoked may be reinstated by the Chief of Police upon payment of all amounts owing.

Sec. 15-65. Appeals.

1. Any person who believes that a service fee or civil penalty has been wrongfully assessed against him may appeal such assessment by submitting a letter to the Chief of Police or Chief of Fire within 10 days of receiving the bill. The letter shall contain the person's name, complete address and telephone number, the reasons for disputing the fee or assessment and any other written evidence which might justify a change in the assessment.
2. The Chief of Police or Chief of Fire may consider the evidence presented and render a written decision within 10 days of his receipt of the appeal unless an extension has been agreed upon by both parties. The Chief of Police or Chief of Fire shall have the authority to waive or rescind, in whole or in part, a service fee or assessment if he believes that there is insufficient evidence to fully support the imposition of the service fee or assessment.
3. The Chief of Police or Chief of Fire may consider the following factors in reaching a determination on the appropriateness of a service fee or assessment:

4. Evidence of attempts by the person against whom the service fee is assessed to eliminate the cause of false alarms, such as:
 - a. Installation of new equipment
 - b. Replacement of defective equipment
 - c. Certified inspection and repair of the system by an alarm system technician
 - d. Specific formal training of the alarm's users
5. Evidence that the false alarm was caused by unusually severe weather conditions
6. Evidence that the false alarm was caused by the disruption of telephone or electrical circuits beyond the control of the alarm user or the user's monitoring company and that the cause of such disruption has been corrected.
7. Evidence that the alarm system that caused the false alarm has been disconnected and removed from the protected premises.
8. Nothing in this section shall be interpreted to require the waiver or rescission of the service fee or assessment in appeals that meet any or all of the above factors. Such factors are intended as guidelines only and shall not prevent the Chief of Police or Chief of Fire from waiving or reducing service fees or assessments for any other reason.

Sec. 15-66. Automated dialing devices.

It shall be unlawful for any person to install, sell, lease, use, or cause or allow to be installed, sold, leased or used an automated dialing service or system which is set or programmed to make direct contact with the City's enhanced 911 emergency telephone system. All automated dialing devices shall be required to connect to an emergency seven-digit number designated by the City to the alarm user at the time of permit application.

Sec. 15-67. Enforcement.

The Chief of Police and the Chief of Fire shall designate employees within their department who shall enforce the provisions of this chapter by issuing a notice or citation of violation.

ARTICLE V. SMOKE DETECTORS

Sec. 15-68. Smoke detectors required.

The owner or owners of the following structures or buildings shall install smoke detectors in such structures or buildings:

1. Any building containing one or more dwelling units.
2. Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
3. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 15-69. Types of smoke detectors; method of installation.

Smoke detectors installed pursuant to this article shall be either battery-operated or AC-powered units and shall be installed in conformance with the provisions of the Uniform Statewide Building Code. For single family residences, the smoke detectors must be located according to the USBC as was written at the time the house was built. However, if the property is renovated at any time after the initial installation of the smoke detectors, the smoke detectors must be brought up to the current code.

Sec. 15-70. Certificates, rented or leased units.

The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

Sec. 15-71. Tenants' and owners' interim responsibilities.

Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. The tenant shall not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative. The tenant shall also not remove or tamper with a properly functioning carbon monoxide detector installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative.

State law reference: Code of Virginia, § 55-248.16

Sec. 15-72. - Penalty for violation.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be guilty of a class 3 misdemeanor.

ORDINANCE 2016-3-15A

An Ordinance authorizing the vacation of an undeveloped portion of an alley from Bernard Jefferson owner of 208 North 14th Avenue to a vacate a portion of alley approximately 3,050 square feet located between North 14th and North 15th Avenue adjacent to Sub-Parcel #'s 030-0805, 030-0810, 030-0825,030-0820,030-0815,030-0800, and 030-0811 in the City of Hopewell, Virginia.

WHEREAS, a request has been filed with the City of Hopewell to vacate the City's interest in a vacate a portion of alley approximately 3,050 square feet located between North 14th and North 15th Avenue, located adjacent to adjacent to Sub-Parcel #'s 030-0805, 030-0810, 030-0825,030-0820,030-0815,030-0800, and 030-0811 in the City of Hopewell, Virginia; and

WHEREAS, the Planning Commission of the City of Hopewell has recommended granting the requested vacation.

NOW, THEREFORE BE IT ORDANED BY THE COUNCIL OF THE CITY OF HOPEWELL that the vacation of the following described rights-of-way located in the City of Hopewell, Virginia:

PARCEL I:

ALL those certain lots or parcels of land, with the improvements thereon and appurtenances thereunto pertaining, lying and being in the City of Hopewell, Virginia, and being known, numbered, and designated as Lots 5, 6, 7, 8, and 9, Block 20, Day Subdivision, a subdivision of said City, as shown on a plat or plan thereof, entitled, "Day Subdivision, DuPont City, Virginia," duly of record in the Clerk's Office of the Circuit Court of the City of Hopewell, Virginia, in Plat Book 1, Page 5. Currently known by the City Street address of 228 North 14th Avenue, Hopewell, Virginia , with Sub Tax Id # 030-0805.

PARCEL II:

ALL those certain lots or parcels of land, with the improvements thereon and appurtenances thereunto pertaining, lying and being in the City of Hopewell, Virginia, and being known, numbered, and designated as Lots 10, 11, 12, 13, 14, 15, 16, and 17, Block 20, Day Subdivision, a subdivision of said City, as shown on a plat made by George W. Robertson, Certified Land Surveyor, dated November 24, 1979, entitled, "Plat Showing Layout of Three (3) Brick Duplex Dwls. On Lots 10 thru 17, Block 20, Day Subdivision, Hopewell, VA," which plat is recorded January 17, 1980, in the Clerk's Office of the Circuit Court of the City of Hopewell, Virginia, with a certain Deed in Deed Book 166, Page 656. Currently known by the City address of 208 North 14th Avenue, with Sub Tax Id#.03-0810

PARCEL III:

ALL that certain lot, piece, or parcel of land, lying and being in the City of Hopewell, Virginia, being a vacated portion of Poythress Street designated as Parcel "D" on a certain plat of survey made by J. K. Timmons & Associates, P.C., dated July 8, 1988, entitled, "Plat Showing a Portion of Poythress St. Known As Parcel D Adjacent to Lot 17, Blk 20, Day, Hopewell, Virginia," a copy of which plat is recorded August 4, 1988, in the Clerk's Office of the Circuit Court of the City of Hopewell, Virginia, as an attachment to a Deed in Deed Book 213, Page 397.

be authorized and doth hereby authorize the Mayor to execute, on behalf of the City of Hopewell, one or more deeds of vacation vacating such parcels, as well as a development agreement, after review of said deed or deed and such resubivision plat by the City Attorney.

This Ordinance shall become null and void and of no effect if it is not recorded together with all deeds of vacation, and resubdivsion plays in the Clerk's Office of the Circuit Court of

the City of Hopewell within 30 days from passage of this Ordinance, or if the involved property owners do not pay all costs. The party or parties requesting this vacation are responsible for preparing the appropriate deeds to effect vacation, submission of said deeds to the City Attorney for approval prior to execution and recordation, and the recordation of said deeds, all in a timely manner. The vacated parcels shall be assimilated into, and become a part of, each abutting property, in accordance with the resubdivision plat. The party or parties requesting this vacation are responsible for effecting any resubdivision process necessary to accomplish such assimilation. A copy of this Ordinance shall be sent to said parties by the Clerk of the City of Hopewell.

I, Ross A. Kearney, III, City Clerk of the City of Hopewell, Virginia, do certify the foregoing is a true and correct copy of an ordinance adopted on second and final reading by Hopewell City Council at its meeting held on _____.

Given under my hand and the Corporate Seal of the City of Hopewell, Virginia this ____ day of _____, 2015.

Seal

Ross A. Kearney, III, City Clerk

ORDINANCE 2016-3-15B

An Ordinance authorizing the vacation of a ten (10) foot wide alley, a portion of which alley runs along and immediately adjacent to the southern side line of Lot No. 5, in Block "26" on the "Plan of Day Subdivision", as more particularly described and delineated on the recorded "Plat Showing a Consolidation of Lot 5 and Part of Lot 4 and A Portion of a 10' Alley, Block "26", Plan of "Day Subdivision".

WHEREAS, a request has been filed with the City of Hopewell to vacate the City's interest in a ten (10) foot wide alley a portion of which alley runs along and immediately adjacent to the southern side line of Lot No. 5, in Block "26" on the "Plan of Day Subdivision", as more particularly described and delineated on the recorded "Plat Showing a Consolidation of Lot 5 and Part of Lot 4 and A Portion of a 10' Alley, Block "26", Plan of "Day Subdivision"; and

WHEREAS, the Planning Commission of the City of Hopewell has recommended granting the requested vacation.

NOW, THEREFORE BE IT ORDANED BY THE COUNCIL OF THE CITY OF HOPEWELL that the vacation of the following described rights-of-way located in the City of Hopewell, Virginia:

THAT certain tract or parcel of land in the City of Hopewell, Virginia, lying adjacent to and abutting the entire southern side lot line of Lot 5, Block "26", "Day Subdivision", and being of variable width as so shown and described on that certain plat made by Harvey L. Parks, Inc., dated November 6, 2013, entitled "Plat Showing a Consolidation of Lot 5 and Part of Lot 4 and a Portion of A 10' Alley, Block "26", Plan of "Day Subdivision", in the City of Hopewell, Virginia, a copy of which plat is to be recorded along with and simultaneously with this Deed and to which plat particular reference is hereby made for a more complete and accurate description of the property herein conveyed.

be authorized and doth hereby authorize the Mayor to execute, on behalf of the City of Hopewell, one or more deeds of vacation vacating such parcels, as well as a development agreement, after review of said deed or deed and such resubivision plat by the City Attorney.

This Ordinance shall become null and void and of no effect if it is not recorded together with all deeds of vacation, and resubdivison plays in the Clerk's Office of the Circuit Court of the City of Hopewell within 30 days from passage of this Ordinance, or if the involved property owners do not pay all costs. The party or parties requesting this vacation are responsible or preparing the appropriate deeds to effect vacation, submission of said deeds to the City Attorney for approval prior to execution and recordation, and the recordation of said deeds, all in a timely manner. The vacated parcels shall be assimilated into, and become a part of, each abutting property, in accordance with the resubdivison plat. The party or parties requesting this vacation are responsible for effecting any resubdivison process necessary to accomplish such assimilation. A copy of this Ordinance shall be sent to said parties by the Clerk of the City of Hopewell.

I, Ross A. Kearney, III, City Clerk of the City of Hopewell, Virginia, do certify the foregoing is a true and correct copy of an ordinance adopted on second and final reading by Hopewell City Council at its meeting held on March 15, 2016.

Given under my hand and the Corporate Seal of the City of Hopewell, Virginia this ____ day of _____, 2016.

Seal.

Ross A. Kearney, III, City Clerk

**ROUTINE
GRANT
APPROVAL**

PROCLAMATIONS

§

RESOLUTIONS

§

PRESENTATIONS

**RECOGNIZING JARED MICHAEL REEDY
UPON HIS ATTAINING RANK OF EAGLE SCOUT**

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS, the Boy Scouts of America was founded to promote citizenship training personal development, and fitness of individuals; and

WHEREAS, after earning over thirty-five merit badges in a wide variety of fields, serving in a variety of leadership roles in his Troop, being a Brotherhood member of the Order of the Arrow, Scouting's Honor Society, carrying out a service project beneficial to the community by creating a special lunch area for Seniors at Hopewell High School, being active in his Troop, demonstrating Scout spirit by living up to the Scout Oath and Law, Jared Michael Reedy of Troop 101, has reached the long-sought goal of Eagle Scout on December 17, 2015; and

WHEREAS, Jared Michael Reedy has accomplished those high standards of commitment which are acquired by only six percent of those individuals entering the American Scouting movement; and

WHEREAS, growing through his experiences in scouting and learning the lessons of responsible citizenship, Jared is indeed a member of a new generation of prepared young citizens of whom we can all be very proud; and

NOW, THEREFORE, I, Jackie M. Shornak, Councilor of Ward 7 and on behalf of the Hopewell City Council, hereby recognize Jared Michael Reedy for his accomplishments, extend congratulations to him and acknowledge the good fortune of the City for having such an outstanding young man as one of its citizens.

Executed on this 15th day of March, 2016.

**COMMUNICATIONS
FROM CITIZENS**

**REGULAR
BUSINESS**

**REPORTS
OF THE
CITY
MANAGER**

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Major Economic Development Announcement

ISSUE: The Announcement of a Major Economic Development Project

RECOMMENDATION: Receive and Celebrate

TIMING: Immediate

BACKGROUND: Staff, with the assistance of the EDA has been working on the development of the Navigators Den site for more than one year and we now have the structure of a deal completed and construction should begin in the next month or so and the site will open around early fall.

FISCAL IMPACT: Tax Revenue impact will be felt in the coming FY16-17.

ENCLOSED DOCUMENTS: None

STAFF: Mr. Charles Dane

SUMMARY: Another exciting Economic Development Announcement For the Community

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Mayor, Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Christina J. Luman-Bailey, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgolis, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine E. Gore, Ward #4
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie Shornak, Ward #7

R-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Budget Resolution to amend Fiscal Year 2015-16 Budget.

ISSUE: Provide funds for The Beacon in the amount of \$95,000.

RECOMMENDATION: Staff recommends approving a resolution to appropriate additional funding for the Beacon Theatre.

TIMING: March 15, 2016 meeting

BACKGROUND: Financials attached and will be explained during presentation.

FISCAL IMPACT: \$95,000

ENCLOSED DOCUMENTS: Budget Resolution

STAFF: Mark Haley, City Manager
Jerry L. Whitaker, Director of Finance
Scot Firestine, ARLS Director

SUMMARY: Adopt budget resolution amendment to appropriate funds for the fiscal year 2015-16 budget. Public support from government funds is needed for most performance arts centers. Beacon is doing well covering show expenses but ticket sales alone do not cover all operating expenses as of yet. Snow canceled two shows and another was cancelled which created a no revenue period. What the Beacon has brought to the community is immeasurable.

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Mayor, Brenda S. Pelham, Ward #6	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgolis, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine E. Gore, Ward #4
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Wayne Walton, Ward #5
			<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie Shornak, Ward #7

	40 Shows 2015: Projected Revenue	39 Shows Actual 2015: REV	NOTES
REVENUES			
1/1/2015-12/31/2015			
John Rand Found - Gibbs Gift	\$42,000	\$0	
Beacon LLC Rev	\$0		
Ballroom Income	\$39,950	\$33,173	
Event Food and Beverage	\$18,500	\$10,109	
Ticket Sales - Artist Revenue	\$800,000	\$377,285	39 shows instead of 80 shows
ABC / Bar Rev			
Beer	\$45,000	\$36,266	
Liquor	\$55,000	\$39,021	
N/A Bevs	\$15,000	\$8,513	
Wine	\$20,000	\$9,116	
Merchandise Performance Rev	\$27,000	\$648	
Sponsorships	\$50,000	\$30,850	
Miscellaneous / Donations	\$10,000	\$0	
Gifts	\$1,000	\$0	
TOTALS	\$1,123,450	\$544,981	
REVENUES	\$1,123,450	\$544,981	(\$43,222=Marquee, \$16,150 Sec Cam, \$11,200 Security Sys, \$6,600 Sound Light) Capital
EXPENSES	\$1,250,300	\$1,042,527	\$48,192 Taxes, \$34,301 Legal.
Reserve	\$(126,850)	\$(497,546)	Total of \$159,665 capital and legal. \$337,881 if we would not have capital, taxes and legal
EXPENSES	2015: Projected Expenditures	Actual EXP	
1/1/2015-12/31/2015			
Salaries & Wages Beacon employees	\$25,000	\$33,677	7/1/2015 Beacon LLC 2012 transferred all employees to SLAP
Operations Contractor	\$150,000	\$134,250	
Payroll tax, benefits, SSI	\$5,000	\$5,629	
Total Personnel Expenditures	\$175,000	\$173,556	
Marketing and Advertising			
Promotional Advertisements	\$12,500	\$10,000	
Promotional Materials	\$12,500	\$11,601	
Radio Advert	\$25,000	\$51,000	
Television Advert	\$5,000	\$0	
Sponsorship	\$10,000	\$0	
Total Advertising	\$65,000	\$72,601	
Ballroom, Theater, Conference rentals			
Ballroom (linens)	\$12,500	\$8,041	
Theater equipment rental	\$12,500	\$0	
Conference Room	\$12,500	\$0	

Balloon/Theater	\$12,500	\$3,413	
Total Artist Cost	\$50,000	\$11,454	
Artists			
Contracted Artist costs	\$750,000	\$455,050	
Total Artist Cost	\$750,000	\$455,050	
Performance Costs			
Sound & Lighting	\$15,800	\$34,886	Audio engineer \$300 per show
Security & Back of House	\$65,000	\$22,838	\$600 sec, \$500 stage management = \$1,300 per show (promoter rep and security)
Stage Hands & Loading	\$25,000	\$37,886	\$500 per show
Supplies/Services related to shows	\$2,000	\$48,756	Supplies and services related to shows, Rider fulfillment + all ABC stock
Total Contractual Expenditures	\$105,800	\$144,366	
Supplies office	\$2,000	\$5,084	Supplies and services related to shows, Rider fulfillment
Accounting Fees (DC Wood)	\$5,000	\$8,725	
Utilities	\$3,500	\$28,798	
Janitorial	\$35,000	\$27,500	
Maintenance and Repairs	\$4,000	\$15,922	
Legal fees	\$7,500	\$34,301	
License Permit Fees (ABC, Biz license)	\$8,000	\$2,285	
Bank fees	\$5,000	\$6,903	
Taxes	\$15,000	\$48,192	
Insurance	\$15,000	\$6,790	
Total Program Expenditures	\$49,500	\$184,500	
Capital	\$55,000	\$0	
Maintenance and Repairs			
Total Capital Expenditures	\$55,000	\$0	
Grand Total	\$1,250,300	\$1,042,527	
			2015 costs were about \$260,631 per quarter
			2016 quarter not complete but the costs are decreasing. Report at end of quarter expected.
			Notes:
			*After 7/1/2015 SLAP began to right the ship that was sinking. Wells was terminated by 3/1/2015. SLAP took over, finished the existing contracts
			**Summer the large capital expense of marquee installed \$45,000 from LLC
			***In the last quarter of 2015, quarterly costs began to decrease.
			Gibbs donation withheld by JRF would have made a difference.
			*Impact on stage/production costs Fort Lee stopped sending volunteers
			**One premier sponsor has supported the Beacon - John Randolph Hospital.
			***No other large industry has responded to requests to underwrite or sponsor the theater or events

BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2015-2016

WHEREAS, at the meeting of the City Council of the City of Hopewell held on March 15, 2016, a budget amendment was introduced to appropriate funds for the FY 2015-2016 budget to provide funds for operations for the Beacon Theatre.

WHEREAS a budget amendment to appropriate funds in the amount of \$95,000 to provide funds for the Beacon Theatre from the Unassigned Fund Balance for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective unassigned fund balance account,

BE IT, HEREBY, RESOLVED by the Council of the City of Hopewell that:

Sec. 1 The following designated funds and accounts shall be appropriated for funds for operations for the Beacon Theatre from the Unassigned Fund Balances.

General Fund-011:

Resources:

Fund Balance	\$95,000
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Appropriations:

Beacon Operations	\$95,000
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R-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Regular Business – Item R-3

Resolution by the City to adopt into the City’s Procurement Policy, and allow by inclusion, the written procedures for Design–build and/or Construction Management contracts, as outlined in §2.2-4308 of the Virginia Public Procurement Act (attached), which govern the administration steps, selection, evaluation and award of design-build and construction management contracts.

ISSUE:

The City (public body) must adopt, by ordinance or resolution, written procedures governing the selection, evaluation and award of design-build contracts. The City currently does not have written procedures to govern this process.

While competitive sealed bid process remains the preferred method of construction procurement for public bodies in the Commonwealth, there are certain construction projects that are more advantageous to offer as design-build rather than design-bid-build to provide greater overall value to the City.

The main difference between the design-bid-build contracts and design-build contracts are that in design-build contracts one design-build firm provides the preliminary engineering (survey, plan preparation), right-of-way acquisition and utility relocations, and construction phases with one contract. This can provide greater value to the public body because it streamlines all project development steps within one contract and allows for certain phases to progress simultaneously and reduce overall time of project delivery. Other advantages are that design-build projects provide the design-build firms greater flexibility and creativity to provide time or cost savings to the public body by not being restricted to a full set of design plans, but rather to meet design specifications and certain parameters in the request for proposal (RFP).

Council action form 03-15-2016

SUMMARY:**Y N**

- Councilor Christina J. Luman-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2
- Councilor Anthony Zevgolis, Ward #3
- Councilor Jasmine Gore, Ward #4

Y N

- Councilor K. Wayne Walton, Ward #5
- Councilor Brenda S. Pelham, Ward #6
- Councilor Jackie M. Shornak, Ward #7

03-15- 2016

Administration has decided to follow the VDOT Guidance for Locally Administered Design-Build Projects. Below is an excerpt from the RFP review process:

Following the opening of the price proposals, the technical scores and price scores will be added together. The technical score will constitute a specified percentage of the score in accordance with the value denoted in the RFP (VDOT typically allocates 30% to the technical score). The technical proposal score attained by a particular Offeror is multiplied by the specified percentage denoted in the RFP.

The lowest price proposal would receive the maximum number of points allocated to price (VDOT typically allocates 70% to the price component, so the lowest proposed price would receive 70 out of 70). Subsequent price proposals will receive a score based on the formula established in the RFP. This process will continue for each proposal that satisfies the minimum requirements provided in the RFP. The score for technical and price proposals will then be combined in accordance with the formula listed in the RFP. The highest ranked and responsive Offeror would be awarded the Contract.

Administration proposes for the following written procedures for Council review and action:

- Upon receipt of proposals, the City Evaluation Committee will independently review and evaluate all proposals in accordance with the evaluation matrix form for each submission received. A composite rating will be developed which indicates the DB team’s collective ranking of the highest rated proposals in descending order.
- The City Evaluation Committee will meet and make its award recommendation on the highest ranked Offeror based on the evaluation committee’s written score. In addition, the evaluation committee may also ask questions of a clarifying nature from the Offerors as required. Selection will be made of one Offeror deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors including in the Request for Proposal.
- The City reserves the right to cancel this Request for Proposal or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous.

The Evaluation Committee will independently evaluate the proposals based on the following criteria or adjusted based on unique aspects of a given project:

EVALUATION CRITERIA	WEIGHT
Understanding the Project Assumptions, Requirements, Standards and Deliverables	5%
Fixed Fee Price Proposal	70%
Resumes and Staffing Plan, Completed Projects, Capabilities and Experience	10%
References	5%
Work Plan, Work Plan Schedule and Ability to Meet the Completion Date	10%

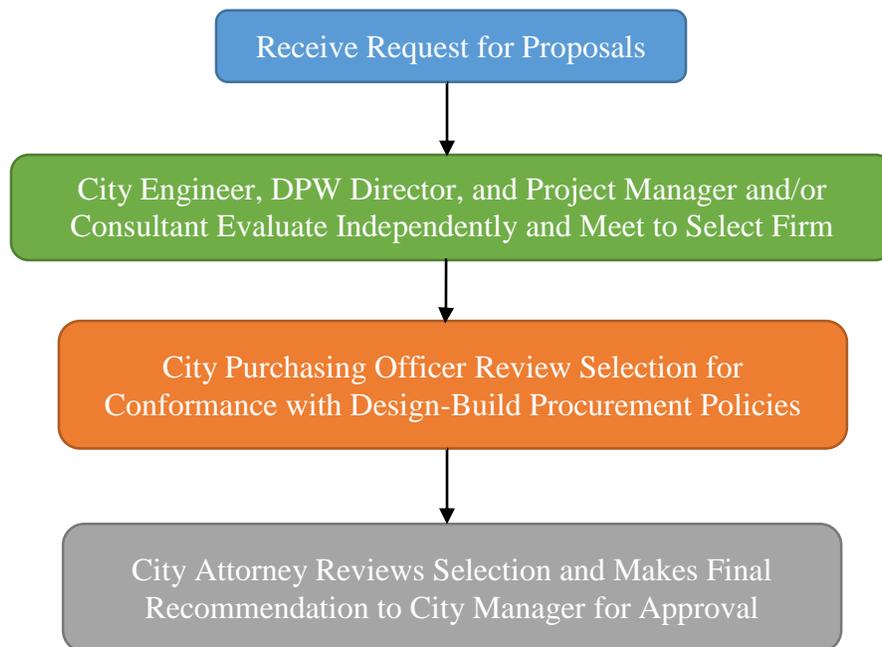
Council action form 03-15-2016

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgolis, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie M. Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

**03-15-
2016**

Administration recommends the following process for the evaluation, selection, and award of design-build firms in accordance with the criteria above:



RECOMMENDATION:

1. Administration recommends that Council approve that Johnnie Butler, City Engineer or Edward Watson, DPW Director make the determination as to the use of design-build contracts as the engineer with professional competence appropriate to the project
2. Administration recommends that Council approve the written procedures above for the selection, evaluation and award of design build contracts

TIMING: Council Action is necessary on March 15, 2016 in order to maintain the bid schedule for the East Broadway Bridge Design Build Request for Proposal (RFP)

BACKGROUND: As previously stated

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: §2.2-4318 Design-Build or Construction Management contracts for public bodies other than the Commonwealth; eligibility requirements; award of contract; records to be kept

STAFF: Mark Haley, City Manager; Edward Watson, DPW Director; Johnnie Butler, City Engineer

Council action form 03-15-2016

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgolits, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie M. Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

03-15-2016

§ 2.2-4308. Design-build or construction management contracts for public bodies other than the Commonwealth; eligibility requirements; award of contract; records to be kept. –

A. While the competitive sealed bid process remains the preferred method of construction procurement for public bodies in the Commonwealth, any public body other than the Commonwealth may enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis provided the public body complies with the requirements of this section and has implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing design-build or construction management contracts.

Prior to making a determination as to the use of design-build or construction management for a specific construction project, the public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall advise the public body regarding the use of design-build or construction management for that project and who shall assist the public body with the preparation of the Request for Proposal and the evaluation of such proposals.

Prior to issuing a Request for Proposal for any design-build or construction management contract for a specific construction project, the public body shall:

1. Have adopted, by ordinance or resolution, written procedures governing the selection, evaluation and award of design-build and construction management contracts. Such procedures shall be consistent with those described in this chapter for the procurement of nonprofessional services through competitive negotiation. Such procedures shall also require Requests for Proposals to include and define the criteria of such construction project in areas such as site plans; floor plans; exterior elevations; basic building envelope materials; fire protection information plans; structural, mechanical (HVAC), and electrical systems; and special telecommunications; and may define such other requirements as the public body determines appropriate for that particular construction project. Such procedures for:

a. Design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department of General Services for state agencies.

b. Construction management projects shall include selection procedures and required construction management contract terms consistent with the procedures as adopted by the Secretary of Administration.

2. Have documented in writing that for a specific construction project (i) a design-build or construction management contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the public body by using a design-build or construction management contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous.

B. The contract shall be awarded to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the Request for Proposal.

ARTICLE I. GENERAL PROVISIONS

Sec. 2A-1. Purpose.

The purpose of this chapter, and the City of Hopewell Policy and Procedures for Purchasing Goods , Services and Non-Transportation –Related Construction Costing less than \$50,000.00 is to encourage competition in public purchasing among vendors or contractors, to administer fairly and equitably purchasing policies among bidders and to obtain high quality goods and services at the lowest possible price.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-2 The Virginia Public Procurement Act

The Virginia Public Procurement Act, as enacted by the Virginia General Assembly in 1981, pursuant to § 2.2-4300 et seq. of the Virginia Code, as amended from time to, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party, is hereby adopted and incorporated as fully as if set forth herein.

State Law reference— Virginia Public Procurement Act, Code of Virginia, § 2.2-4300, et seq.

Sec. 2A-3. Application.

This chapter applies to contracts for the procurement of goods, services, insurance and construction entered into by this city involving every expenditure for public purchasing irrespective of its source which is in excess of fifty thousand dollars (\$50,000.00), except as where otherwise specified herein.

When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation. Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which is otherwise consistent with the law.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~34~~. Effective date of chapter.

This chapter shall become effective, and shall govern and apply to city procurement transactions, on and after July 1, 2005.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~45~~. Severability.

If any provision of this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~56~~. Definitions.

Brand name specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers.

Brand name or equal specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet city requirements and which provides for the submission of equivalent products.

Business - Any corporation, partnership, limited liability company, association, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Change order (unilateral) - A written order signed and unilaterally issued by the purchasing agent directing the contractor to make changes which the "changes" clauses of the contract authorizes the purchasing agent to order without the consent of the contractor.

City council - The council of the City of Hopewell, Virginia.

City manager - City manager of the City of Hopewell, Virginia.

City purchasing agent or agent - The purchasing agent of the City of Hopewell, Virginia.

Confidential information - Any information which is available to an employee only because of the employee's status as an employee of this city and is not a matter of public knowledge or available to the public on request.

Construction - Building, altering, repairing, improving, or demolishing any structure, building, or highway, and any draining, dredging, excavation, grading or similar work upon real property.

Construction management contract - A contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

Contract - All types of city agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

Contract modification - Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual action of the parties of the contract.

Contractor - Any person having a contract with the city or a using agency thereof.

Cost analysis - The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

Cost data - Factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost-reimbursement contract - A contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter, and a fee or profit, if any.

Direct or indirect participation - Any involvement in the approval, disapproval, recommendation, or preparation of any part of a purchase request; influencing the content of any specification or procurement standard; and advising, investigating or auditing in connection with a procurement process.

Disadvantaged business - A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

Employee - An individual drawing a salary or wages from the city whether elected or not and any non-compensated individual performing personal services for the city or any department, agency, commission, council, or board of the city.

Goods - All material, equipment, supplies, printing and automated data processing hardware and software.

Informality - A minor defect or variation of a bid or proposal from the exact requirements of the invitation to bid, or the request for proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

Insurance - A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Invitation for bids - All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

Nominal value - A worth or cost so small, slight, or the like, in comparison to what might properly be expected, but in no case to be more than five dollars (\$5.00).

Non-professional services - Any services not specifically identified as professional services in the following definition.

Professional services - Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy or professional engineering.

Person - Any business, individual, union, committee, club, other organization, or group of individuals.

Price analysis - The evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

Pricing data - Factual information concerning prices for items substantially similar to those being procured. Prices in this definition refer to offer or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

Public body - City council of the City of Hopewell.

Qualified products list - An approved list of goods, services, or construction items described by model or catalogue number, which prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

Request for proposals - All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror - A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if required.

Responsive bidder - A person who has submitted a bid which conforms in all material respects to the invitation to bid.

Services - Any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Small business - A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.

Specification - Any description of the physical or functional characteristics, or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery.

Using agency - Any department, agency, commission, bureau, or other unit in the city government requiring goods, services, insurance or construction as provided for in this chapter.

(Ord. No. 2005-09, 6-28-2005)

ARTICLE I. GENERAL PROVISIONS

Sec. 2A-1. Purpose.

The purpose of this chapter, and the City of Hopewell Policy and Procedures for Purchasing Goods , Services and Non-Transportation –Related Construction Costing less than \$50,000.00 is to encourage competition in public purchasing among vendors or contractors, to administer fairly and equitably purchasing policies among bidders and to obtain high quality goods and services at the lowest possible price.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-2 The Virginia Public Procurement Act

The Virginia Public Procurement Act, as enacted by the Virginia General Assembly in 1981, pursuant to § 2.2-4300 *et seq.* of the Virginia Code, as amended from time to time, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party, is hereby adopted and incorporated as fully as if set forth herein.

State Law reference— Virginia Public Procurement Act, Code of Virginia, § 2.2-4300, *et seq.*

Sec. 2A-3. Application.

This chapter applies to contracts for the procurement of goods, services, insurance and construction entered into by this city involving every expenditure for public purchasing irrespective of its source which is in excess of fifty thousand dollars (\$50,000.00), except as where otherwise specified herein.

When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation. Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which is otherwise consistent with the law.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-4. Effective date of chapter.

This chapter shall become effective, and shall govern and apply to city procurement transactions, on and after July 1, 2005.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-5. Severability.

If any provision of this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-6. Definitions.

Brand name specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers.

Brand name or equal specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet city requirements and which provides for the submission of equivalent products.

Business - Any corporation, partnership, limited liability company, association, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Change order (unilateral) - A written order signed and unilaterally issued by the purchasing agent directing the contractor to make changes which the "changes" clauses of the contract authorizes the purchasing agent to order without the consent of the contractor.

City council - The council of the City of Hopewell, Virginia.

City manager - City manager of the City of Hopewell, Virginia.

City purchasing agent or agent - The purchasing agent of the City of Hopewell, Virginia.

Confidential information - Any information which is available to an employee only because of the employee's status as an employee of this city and is not a matter of public knowledge or available to the public on request.

Construction - Building, altering, repairing, improving, or demolishing any structure, building, or highway, and any draining, dredging, excavation, grading or similar work upon real property.

Construction management contract - A contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

Contract - All types of city agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

Contract modification - Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual action of the parties of the contract.

Contractor - Any person having a contract with the city or a using agency thereof.

Cost analysis - The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

Cost data - Factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost-reimbursement contract - A contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter, and a fee or profit, if any.

Direct or indirect participation - Any involvement in the approval, disapproval, recommendation, or preparation of any part of a purchase request; influencing the content of any specification or procurement standard; and advising, investigating or auditing in connection with a procurement process.

Disadvantaged business - A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

Employee - An individual drawing a salary or wages from the city whether elected or not and any non-compensated individual performing personal services for the city or any department, agency, commission, council, or board of the city.

Goods - All material, equipment, supplies, printing and automated data processing hardware and software.

Informality - A minor defect or variation of a bid or proposal from the exact requirements of the invitation to bid, or the request for proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

Insurance - A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Invitation for bids - All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

Nominal value - A worth or cost so small, slight, or the like, in comparison to what might properly be expected, but in no case to be more than five dollars (\$5.00).

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(Ord. No. 2005-09, 6-28-2005)

R-4



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Regular Business—Item R-4

Resolution by the City to adopt into the City’s Procurement Policy, and allow by inclusion, the additional small purchase category of non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$50,000(amount per City policy) as outlined in §2.2-4303.G of the Virginia Public Procurement Act (attached), which allows for a public body to establish “small” purchase procedures not requiring competitive sealed bids or competitive negotiation.

ISSUE:

Current Procurement Policy establishes purchasing procedures for Goods and Services costing less than \$50,000 (Policy Number Z-2, attached); however, the wording “non-transportation-related construction...” is omitted from this policy and should be added. The Purchasing Dept. has been following the small purchasing procedure policy for small non-transportation-related construction projects costing less than \$50,000. The Purchasing Officer is requesting the policy to be changed to reflect the practice which is allowed by the Virginia Public Procurement Act.

RECOMMENDATION:

Administration recommends that Council approve the inclusion of the category of non-transportation-related construction to the current procurement policy of goods and services costing less than \$50,000.

TIMING: Council Action is necessary on March 15, 2016 in order to maintain the practice of following “small purchase” procedures for non-transportation-related construction projects.

BACKGROUND: As previously stated

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: §2.2-4303 Contract Formation and Administration and Procurement Policy Number Z-2 Policy and Procedures for Purchasing Goods and Services Costing less than \$50,000

Council action form 03-15-2016

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgolis, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie M. Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

03-15- 2016

STAFF: April Cone, Purchasing Officer

Council action form 03-15-2016

SUMMARY:

Y N

- Councilor Christina J. Luman-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2
- Councilor Anthony Zevgolis, Ward #3
- Councilor Jasmine Gore, Ward #4

Y N

- Councilor K. Wayne Walton, Ward #5
- Councilor Brenda S. Pelham, Ward #6
- Councilor Jackie M. Shornak, Ward #7

03-15- 2016

**CITY OF HOPEWELL
POLICY STATEMENT**

SUBJECT: Policy and Procedures for Purchasing Goods and Services and Non-Transportation – Related Construction Costing less than \$50,000.00

ORIGINATING OFFICE: (To Be Filled Out By the City Manager)

City Manager & Purchasing Dept.

EFFECTIVE DATE: July 20, 2004

ADMINISTERING DEPT.: Purchasing Dept.

APPROVED BY: _____

CITY MANAGER

AUTHORITY: CITY PROCUREMENT ORDINANCE (CHAPTER 29)

I. POLICY

A. All city purchases, expenditures and services under \$50,000 shall require a purchase order and no exceptions shall be granted except for the following:

- Purchase Credit Cards
- Travel Credit Cards
- ~~-Dominion Virginia Power Electric bills;~~
- ~~-Verizon phone bills;~~
- ~~-Primus long distance phone bills;~~
- ~~-Virginia American Water Company bills;~~
- ~~-Employee Travel Reimbursement claims;~~
- Petty cash reimbursements.

B. All city departments shall use the ~~GEMS~~ MUNIS automated purchase order entry system for generating purchase orders for:

- Employee travel advances and lodging.
- Refunds of any nature,
- Purchase of postage stamps,
- Any and all other expenditures incurred by the department.

C. Department directors are authorized and responsible for approving purchases and services, including non-transportation-related construction under \$50,000 under the provisions of this policy. Directors may establish internal procedures to implement and comply with the requirements of this policy. Directors may delegate approval authority for purchases and contracts within their respective department, but the Department Director shall remain the responsible official. The guidelines established in this policy statement shall be supplemented by a written departmental policy.

- D. Each item or total items per purchase or service or non-transportation-related construction project cannot exceed the specified dollar amounts established in Section II. Dividing purchase requests into smaller increments to avoid more stringent requirements is prohibited.
- E. Requests for vendor assistance in developing specifications will not obligate the city to purchase the product or award a contract for the service. All such vendors should be informed of this requirement to comply with applicable procurement regulations.
- F. The Purchasing Department will support all departments except HRWTF. The HRWTF Purchasing Department will support HRWTF and Stores requirements.
- G. Each department shall furnish the City Clerk with the original copy of any contract or agreement for filing within three (3) working days after completion of the signing.
- H. The GEMS automated purchase order system shall be used by all departments to generate any payment request without a supporting invoice.

II. DEPARTMENT AUTHORIZATIONS

- A. Department director may assign department employee authorization to issue purchase orders and the dollar limit allowed.
- B. Purchasing limits for authorized department employee are set and controlled by the department director using the Purchase Authorization Program. Only the department director, Director of Finance and City Manager shall have access.
- C. Department purchase orders over employee authorized limit and less than \$50,000 must be authorized by the department director.

III. SELECTION CRITERIA - PURCHASES

- A. The lowest bidder will normally receive the award unless other selection criteria was used. When bids are submitted for comparable items, the department may select the product or contractor whose proposal best satisfies the requirements, as determined by the department. Price alone may not necessarily be the determining factor, providing the higher price can be justified.
- B. If a vendor or contractor is selected who is not the lowest bidder, an explanation supporting the decision will be attached to the department purchase order file copy. The department director or authorized employee must approve the action taken.
- C. Low bids may be rejected from vendors or contractors who have provided defective products or services, or those having contracts with the city terminated because of poor performance during the previous two years.
- D. UNDER \$5,000

The Department will select a vendor for the product or service or non-transportation-related construction, and issue a purchase order. Shopping is not required, but is recommended.

E. \$5,000 – \$50,000

1. Department must contact at least three (3) vendors, if available, for telephone price quotes from either the official bidders list, vendor catalogues, or other sources. The Purchasing Department maintains a listing of potential vendors for goods and services and non-transportation-related construction.
2. Telephone quotes must be entered into the GEMS Automated Purchase Order System remarks screen (PORMK) in prior to issuing the purchase order. You cannot issue a purchase order unless the required information is entered.
3. Telephone quotes must be documented (using the Telephone Quote Bid Form) and attached to the department purchase order file copy.
4. Department shall select vendor, prepare and enter purchase order requirements.

IV. SELECTION CRITERIA - PROFESSIONAL SERVICES

Professional services may be secured by the department when cumulative costs are estimated to be less than \$50,000 per year. When selection is made through reasoning, other than the request for proposal (RFP), a waiver form must be approved and attached with the department purchase order copy and filed, along with information entered into the GEMS Automated Purchase Order System remarks screen (PORMK) prior to issuing the purchase order. Waiver forms may be approved electronically or printed and forwarded to the City Manager for original signature.

V. DISTRIBUTION OF PURCHASE ORDER COPIES

Printed copies of the authorized purchase order will be printed and distributed as follows:

-The original purchase order, receiving copy, and department file copy will print in the respective department,

-Accounts Payable and Purchasing Department copies shall print in the Department of Finance.

VI. STATE CONTRACTS AND DEPARTMENT OF CORRECTIONS PURCHASES

Purchasing Department will maintain copies of the State approved contracts for goods and services on file. Any department may request the Purchasing Department provided a copy of the listing for desired product or service.

VII. BLANKET/STANDING PURCHASE ORDERS

Blanket/standing purchase orders may be used to purchase quantities of goods and services on a recurring basis, and shall comply with applicable spending limits established in Section III.

VIII. SOLE SOURCE/EMERGENCY PURCHASES WAIVERS

- A. Situations where a waiver of purchasing policy may be exercised may include, but not limited are:
- Any emergency condition,
 - Sole source vendor or supplier,
 - Acquiring professional legal services,
 - Other situations, if approved by City Manager.
- B. Department shall complete the Waiver form for City Manager signature and must enter into the GEMS Automated Purchase Order System remarks screen (PORMK) prior to issuing the purchase order using the GEMS Automated Purchase Order System.
- C. Waiver shall be approved by the City Manager or his/her designee prior to the issuance of the purchase order, either electronically thru the GEMS Automated Purchase Order System or by verbal authorization with written verification to immediately follow.
- D. Waiver form must be documented and attached to the department purchase order file copy.
- E. For sole source purchases a letter from the manufacturer stating that sales are restricted through a specific vendor must be maintained on file and updated annually.

IX. VEHICLE/EQUIPMENT MAINTENANCE

- A. This policy shall be used for the purchase of repair parts or services other than automotive inventory items.
- B. Department representative will prepare a city shop work order, complete with account number to be charged for the repairs. The work order and vehicle will be turned over to the shop supervisor.
- C. The work order will serve as a record for the work performed, as well as, the purchase order for parts or service needed to complete the service or repair. The work order number will be used as the purchase order number.
1. The work order number must be shown on all receiving documents. A receiving stamp may be used for approval.
 2. All receiving documents must be recorded on the work order.
 3. Supplies drawn from automotive inventory will be recorded on the work order.
 4. Only authorized parts installed on the vehicle/equipment shall be charged to the work order. Hand tools, specialized tools, shop supplies, etc., shall be purchased using regular purchase order process.
- D. When the Work Order is completed, the shop supervisor will approve for release.
1. The work order and all receiving documents will be forwarded to the stock clerk for posting of the inventory withdrawal.

2. After posting, the stock clerk will forward the work order and all receiving documents to the director for approval.
3. Forward the original copy of the work order and all receiving documents to Accounts Payable for payment processing.
4. The Stock Clerk will furnish each department with a completed work order.

X. PURCHASING DEPARTMENT RESPONSIBILITIES

- A. The Purchasing Department is assigned the responsibility of verifying the compliance of departments to this policy. Purchasing Department shall, in the course of each fiscal year, review the departments purchasing records to ascertain that
1. Limits for telephone quotes and written quotes are properly documented.
 2. Sole source purchases are documented with the waiver form and approved by the Department Director along with required letter by the manufacturer.
 3. Emergency purchases are documented with the waiver form and approved by the Department Director and City Manager.
 4. Check that no department director authorizes any purchase in excess of the \$50,000 authorized limit.
 5. The Department shall be subject to random audit by the Purchasing Department to insure compliance with these procedures.
 6. Any department found out of compliance will have to undertake a review to address the failure.
 7. The Department Director and/or designated employee will be subject to disciplinary action for failure to observe this policy, up to and including termination of employment.

XI. PAYMENT PROCEDURES

- A. Upon receipt of the goods or satisfactory completion of the service or the non-transportation-related construction, the department will approve the computer purchase order receiving copy, attach any receipt documentation (invoice, packing slip, etc.), if any, and forward to Accounts Payable for payment.
- B. Partial shipments or services or non-transportation-related construction will require computer purchase order receiving, either in dollar amount or units received, for all partial invoice payments to occur.

TELEPHONE RECORD FOR GOODS/SERVICES

Request Number: _____	Bidder #1	Bidder #2	Bidder #3	
Buyer: _____	Date: _____	Date: _____	Date: _____	
Vendor's TIN or SSN >				
Vendor Name >				
Vendor Address >				
Contact Person >				
Phone Number >				
Quantity	Item description	Unit Price/Total Price	Unit Price/Total Price	Unit Price/Total Price
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
Delivery Date or Time >				
Prompt Payment Terms >				
Shipping/Handling Costs included in Price Totals Yes or NO >				
Shipping Costs >				
Total Order Value >				

**CITY OF HOPEWELL
POLICY STATEMENT**

SUBJECT: Policy and Procedures for Purchasing Goods, Services and Non-Transportation – Related Construction Costing less than \$50,000.00

ORIGINATING OFFICE: (To Be Filled Out By the City Manager)
City Manager & Purchasing Dept. **EFFECTIVE DATE:** July 20, 2004
ADMINISTERING DEPT.: **Purchasing Dept.**

APPROVED BY: _____
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AUTHORITY: CITY PROCUREMENT ORDINANCE (CHAPTER 29)

I. POLICY

- A. All city purchases, expenditures and services under \$50,000 shall require a purchase order and no exceptions shall be granted except for the following:
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 - Petty cash reimbursements.
- B. All city departments shall use the MUNIS automated purchase order entry system for generating purchase orders for:
- Employee travel advances and lodging.
 - Refunds of any nature,
 - Purchase of postage stamps,
 - Any and all other expenditures incurred by the department.
- C. Department directors are authorized and responsible for approving purchases and services, including non-transportation-related construction under \$50,000 under the provisions of this policy. Directors may establish internal procedures to implement and comply with the requirements of this policy. Directors may delegate approval authority for purchases and contracts within their respective department, but the Department Director shall remain the responsible official. The guidelines established in this policy statement shall be supplemented by a written departmental policy.
- D. Each item or total items per purchase or service or non-transportation-related construction project cannot exceed the specified dollar amounts established in Section II. Dividing purchase requests into smaller increments to avoid more stringent requirements is prohibited.

- E. Requests for vendor assistance in developing specifications will not obligate the city to purchase the product or award a contract for the service. All such vendors should be informed of this requirement to comply with applicable procurement regulations.
- F. The Purchasing Department will support all departments except HRWTF. The HRWTF Purchasing Department will support HRWTF and Stores requirements.
- G. Each department shall furnish the City Clerk with the original copy of any contract or agreement for filing within three (3) working days after completion of the signing.
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1. The work order number must be shown on all receiving documents. A receiving stamp may be used for approval.
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 3. Supplies drawn from automotive inventory will be recorded on the work order.
 4. Only authorized parts installed on the vehicle/equipment shall be charged to the work order. Hand tools, specialized tools, shop supplies, etc., shall be purchased using regular purchase order process.
- D. When the Work Order is completed, the shop supervisor will approve for release.
1. The work order and all receiving documents will be forwarded to the stock clerk for posting of the inventory withdrawal.
 2. After posting, the stock clerk will forward the work order and all receiving documents to the director for approval.

3. Forward the original copy of the work order and all receiving documents to Accounts Payable for payment processing.
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X. PURCHASING DEPARTMENT RESPONSIBILITIES

- A. The Purchasing Department is assigned the responsibility of verifying the compliance of departments to this policy. Purchasing Department shall, in the course of each fiscal year, review the departments purchasing records to ascertain that
1. Limits for telephone quotes and written quotes are properly documented.
 2. Sole source purchases are documented with the waiver form and approved by the Department Director along with required letter by the manufacturer.
 3. Emergency purchases are documented with the waiver form and approved by the Department Director and City Manager.
 4. Check that no department director authorizes any purchase in excess of the \$50,000 authorized limit.
 5. The Department shall be subject to random audit by the Purchasing Department to insure compliance with these procedures.
 6. Any department found out of compliance will have to undertake a review to address the failure.
 7. The Department Director and/or designated employee will be subject to disciplinary action for failure to observe this policy, up to and including termination of employment.

XI. PAYMENT PROCEDURES

- A. Upon receipt of the goods or satisfactory completion of the service or the non-transportation-related construction, the department will approve the computer purchase order receiving copy, attach any receipt documentation (invoice, packing slip, etc.), if any, and forward to Accounts Payable for payment.
- B. Partial shipments or services or non-transportation-related construction will require computer purchase order receiving, either in dollar amount or units received, for all partial invoice payments to occur.

TELEPHONE RECORD FOR GOODS/SERVICES

Request Number: _____	Bidder #1	Bidder #2	Bidder #3	
Buyer: _____	Date: _____	Date: _____	Date: _____	
Vendor's TIN or SSN >				
Vendor Name >				
Vendor Address >				
Contact Person >				
Phone Number >				
Quantity	Item description	Unit Price/Total Price	Unit Price/Total Price	Unit Price/Total Price
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
Delivery Date or Time >				
Prompt Payment Terms >				
Shipping/Handling Costs included in Price Totals Yes or NO >				
Shipping Costs >				
Total Order Value >				

ARTICLE I. GENERAL PROVISIONS

Sec. 2A-1. Purpose.

The purpose of this chapter, and the City of Hopewell Policy and Procedures for Purchasing Goods , Services and Non-Transportation –Related Construction Costing less than \$50,000.00 is to encourage competition in public purchasing among vendors or contractors, to administer fairly and equitably purchasing policies among bidders and to obtain high quality goods and services at the lowest possible price.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-2 The Virginia Public Procurement Act

The Virginia Public Procurement Act, as enacted by the Virginia General Assembly in 1981, pursuant to § 2.2-4300 et seq. of the Virginia Code, as amended from time to, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party, is hereby adopted and incorporated as fully as if set forth herein.

State Law reference— Virginia Public Procurement Act, Code of Virginia, § 2.2-4300, et seq.

Sec. 2A-3. Application.

This chapter applies to contracts for the procurement of goods, services, insurance and construction entered into by this city involving every expenditure for public purchasing irrespective of its source which is in excess of fifty thousand dollars (\$50,000.00), except as where otherwise specified herein.

When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation. Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which is otherwise consistent with the law.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~34~~. Effective date of chapter.

This chapter shall become effective, and shall govern and apply to city procurement transactions, on and after July 1, 2005.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~45~~. Severability.

If any provision of this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-~~56~~. Definitions.

Brand name specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers.

Brand name or equal specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet city requirements and which provides for the submission of equivalent products.

Business - Any corporation, partnership, limited liability company, association, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Change order (unilateral) - A written order signed and unilaterally issued by the purchasing agent directing the contractor to make changes which the "changes" clauses of the contract authorizes the purchasing agent to order without the consent of the contractor.

City council - The council of the City of Hopewell, Virginia.

City manager - City manager of the City of Hopewell, Virginia.

City purchasing agent or agent - The purchasing agent of the City of Hopewell, Virginia.

Confidential information - Any information which is available to an employee only because of the employee's status as an employee of this city and is not a matter of public knowledge or available to the public on request.

Construction - Building, altering, repairing, improving, or demolishing any structure, building, or highway, and any draining, dredging, excavation, grading or similar work upon real property.

Construction management contract - A contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner, and may also include, if provided in the contract, the furnishing of construction services to the owner.

Contract - All types of city agreements, regardless of what they may be called, for the procurement of goods, services, insurance or construction.

Contract modification - Any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provision of any contract accomplished by mutual action of the parties of the contract.

Contractor - Any person having a contract with the city or a using agency thereof.

Cost analysis - The evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed.

Cost data - Factual information concerning the cost of labor, material, overhead, and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost-reimbursement contract - A contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter, and a fee or profit, if any.

Direct or indirect participation - Any involvement in the approval, disapproval, recommendation, or preparation of any part of a purchase request; influencing the content of any specification or procurement standard; and advising, investigating or auditing in connection with a procurement process.

Disadvantaged business - A small business which is owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

Employee - An individual drawing a salary or wages from the city whether elected or not and any non-compensated individual performing personal services for the city or any department, agency, commission, council, or board of the city.

Goods - All material, equipment, supplies, printing and automated data processing hardware and software.

Informality - A minor defect or variation of a bid or proposal from the exact requirements of the invitation to bid, or the request for proposal, which does not affect the price, quality, quantity or delivery schedule for the goods, services or construction being procured.

Insurance - A contract whereby, for a stipulated consideration, one party undertakes to compensate the other for loss on a specified subject by specified perils.

Invitation for bids - All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

Nominal value - A worth or cost so small, slight, or the like, in comparison to what might properly be expected, but in no case to be more than five dollars (\$5.00).

Non-professional services - Any services not specifically identified as professional services in the following definition.

Professional services - Work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, dentistry, land surveying, landscape architecture, law, medicine, optometry, pharmacy or professional engineering.

Person - Any business, individual, union, committee, club, other organization, or group of individuals.

Price analysis - The evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

Pricing data - Factual information concerning prices for items substantially similar to those being procured. Prices in this definition refer to offer or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

Public body - City council of the City of Hopewell.

Qualified products list - An approved list of goods, services, or construction items described by model or catalogue number, which prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

Request for proposals - All documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror - A person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if required.

Responsive bidder - A person who has submitted a bid which conforms in all material respects to the invitation to bid.

Services - Any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

Small business - A United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation.

Specification - Any description of the physical or functional characteristics, or of the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing, or preparing a good, service or construction item for delivery.

Using agency - Any department, agency, commission, bureau, or other unit in the city government requiring goods, services, insurance or construction as provided for in this chapter.

(Ord. No. 2005-09, 6-28-2005)

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Sec. 2A-3. Application.

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When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal law and regulation. Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest which is otherwise consistent with the law.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-4. Effective date of chapter.

This chapter shall become effective, and shall govern and apply to city procurement transactions, on and after July 1, 2005.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-5. Severability.

If any provision of this chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. No. 2005-09, 6-28-2005)

Sec. 2A-6. Definitions.

Brand name specification - A specification limited to one (1) or more items by manufacturers' names or catalogue numbers.

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(Ord. No. 2005-09, 6-28-2005)