

ORDINANCE NO. 24-6()

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 6, FIRE PROTECTION, ARTICLE 6, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 6, Fire Protection, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Adding:

Sec. 6-600 Cost Recovery for Emergency Response to Terrorism Hoax Incident, Bomb Threat, or Malicious Activation of a Fire Alarm

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**Chapter 6.
FIRE PROTECTION**

ARTICLE VI. COST RECOVERY FOR EMERGENCY RESPONSE

Section 6-600 Cost Recovery for Emergency Response to Terrorism Hoax Incident, Bomb Threat, or Malicious Activation of a Fire Alarm

A. Definitions.

1. Reasonable expenses. Assessed cost of a locality for appropriate emergency response to a particular incident. A locality may assess either: (a) a flat fee of \$250.00 or (b) a minute-by-minute accounting of actual costs, not to exceed \$2,500.00 in aggregate for a particular incident.
2. Appropriate emergency response. Costs of providing any, all, or a combination of emergency services, including law enforcement, firefighting, or emergency medical services, in response to a particular incident, by a local agency.
3. Local agency. A law enforcement, firefighting, or emergency medical services agency of the County, including agencies that are a part of Albemarle County's coordinated and integrated fire and emergency medical system under Albemarle County Code § 6-100.
4. Qualifying offense. A violation of Virginia Code § 18.2-46.6 (subsections B and C only); a felony violation of § 18.2-83 or § 18.2-84; or a violation of § 18.2-212 or § 18.2-461.1 which is the proximate cause of any incident resulting in an appropriate emergency response by a local agency.

- B. Cost recovery authorized. Any individual who is convicted of a qualifying offense shall be liable to the County for the reasonable expenses of an appropriate emergency response for any incident proximately caused by the qualifying offense.

- C. Procedure. The County may seek cost recovery at an individual's sentencing in accordance with the following procedure:
1. At the time of charge or indictment for an individual's commission of a qualifying offense, the County will determine the reasonable expense.
 2. The County will provide to the Commonwealth's Attorney the assessment of the reasonable expense.
 3. The Commonwealth's Attorney shall, at the time of sentencing of an individual convicted of a qualifying offense, present a request to the court to impose on the defendant liability in the amount of the reasonable expense.
 4. The court shall impose on the defendant liability in the amount of the reasonable expense.

(Ord. 24-6(), 8-21-24)

State law reference—Va. Code § 15.2-1716.1

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on_____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Mr. Pruitt	_____	_____