

Chapter 7

POLICE DEPARTMENT

Articles:

- I. In General**
- II. Police Retirement Fund**
- III. Sale of Unclaimed Property**
- IV. Dispatch Services**

Article I. In General

Sec. 7-1. Police Commission.

The City Manager shall nominate and with the consent of the City Council, appoint a board of three (3) members to be known as Police Commission. State law shall govern qualifications of members and the operation of the Police Commission.

Sec. 7-2. Powers and duties.

The Police Commission shall interview and grade each prospective applicant for employment by the department. It shall act as a trial board to obtain the facts and determine violations of rules and regulations of the police department to ascertain the guilt or innocence of any officer. It shall have the right to suspend or dismiss any police officer in accordance with state law. (Code 1958, 22-3)

Sec. 7-3. Suspension from duty.

The City Manager has the power to suspend any police officer for a period of not to exceed ten (10) days without a trial before the commission for a violation of rules and regulations. (Code 1958, 22-5)

Sec. 7-4. Police chief, powers and duties.

The chief of police shall be the chief executive officer of the police department and shall be responsible for the proper and efficient enforcement of all laws, ordinances and regulations under the jurisdiction of the police department. The chief of police is also charged with the maintenance and enforcement of rigid discipline and supervision of police work and conditions of the department. He shall exercise such authority thereunder as may be directed by the City Manager. He has the power to promulgate such orders to members of the department as he may deem proper and consistent with these rules and the laws of the state. It is the duty of members of the department to render to him and his orders implicit obedience when such orders are in conformity with the laws of the state and regulations of the department. (Code 1958, 22-5.1)

Sec. 7-5. General regulations.

General regulations of the department may be adopted by approval by the City Council by motion or by resolution.

Sec. 7-6. Causes for disciplinary action.

A member of the department found to have violated a rule or regulation, for any one of the following listed offenses, shall be subject to reprimand, suspension, dismissal, or suffer such other lawful punishment as the commission may direct:

- (1) Cowardice.
- (2) Wilful disobedience of rules or lawful and proper orders.
- (3) Use of any illegal drug at any time.
- (4) Drinking any kind of intoxicating liquor while on duty, or reporting for duty with any alcohol in the blood.
- (5) Entering a disorderly house or a place where illegal commercial gambling is carried on, except in the performance of police duty.
- (6) Conduct unbecoming an officer.
- (7) Insubordination or disrespect to a superior officer, or to the members of the department.
- (8) Neglect of duty.
- (9) Sleeping while on duty.
- (10) Being absent from duty without permission.
- (11) Using profane, or insolent language to a superior officer, a member of the department, or to any citizen.
- (12) Not properly patrolling or guarding a post.
- (13) Accepting bribes of money or other valuables.
- (14) Communicating or giving police information to any person concerning the business of the department which is detrimental to the department.
- (15) Communicating information which may aid a person to escape arrest, or to delay the apprehension of a criminal, or to secure the removal of stolen or embezzled goods or other property or money.
- (16) Neglecting to turn over all property taken from persons arrested, or found, or seized, to the proper officer without unnecessary delay.
- (17) Unjustified use of force.
- (18) Wilful failure to report a known violation of a law or ordinance.
- (19) Any violation of Department regulations.
- (20) Conviction of any felony.
- (21) Conviction of any misdemeanor reflecting upon the honesty, or character, or integrity required for police duty.

Sec. 7-7. Performance of duties.

It shall be the duty of all policemen to perform all duties required by the laws of the state, the ordinances of the City, the orders of superior officers, and the rules and regulations

prescribed for the government, direction, management and discipline of the police force, and do all things necessary in the prevention and detection of crime in the City. (Code 1958, Sec. 22-10)

Sec. 7-8. Arrests—authority of department.

Any policeman of the City is authorized to arrest any person within the City or within five (5) miles of the corporate limits of the City who is accused or charged with any crime or any offense against the laws of the state or the ordinances of the City; and also along the line of water supply to the City. (Code 1958, Sec. 22-12; Ord. 1821, 12/18/95)

Sec. 7-9. Same—without warrant.

Whenever any person in the City shall, in the presence of any City police officer, or peace officer of the state, violate any of the criminal ordinances of the City, such officer shall have the power, and it is made his duty, to immediately arrest such person so offending whether in the daytime or at night, without waiting for a warrant.

Whenever any person violating any City ordinance, after being notified by any officer that he is so violating an ordinance, and to desist therefrom, shall fail or refuse to so desist, any such officer shall have the power, and it is made his duty to immediately arrest such person so offending, whether in the daytime or at night, without waiting for a warrant. (Code 1958, Sec. 22-13)

Sec. 7-10. Same—duty after making.

If any person, in pursuance of the provisions hereof, is arrested in the daytime, the officer making such arrest shall forthwith take such offender before the appropriate judge. If the arrest is made in the nighttime, such offender may, in the discretion of the officer making such arrest, be imprisoned until the next morning, or until such time as the court is in session.

Nothing herein shall be deemed to in any manner abridge any rights of any officer to arrest any person without a warrant for any public offense committed in his presence, whether by day or night. (Code 1958, Sec. 22-14)

Sec. 7-11. Prisoners—working.

Persons committed to the City jail, upon conviction of a violation of any ordinance of the City, may be caused to work on streets or elsewhere within three (3) miles of the City, under the direction of the Chief of Police and under such rules and regulations as may be made by the City Commission. (Code 1958, Sec. 22-15; Ord. 1868, 2/2/98)

Sec. 7-12. Same—prerequisite to furnishing liquor or other articles.

Any person who shall, without the consent of the Chief of Police or other officer in charge of the City jail, give, supply, carry or send to any prisoner confined in the jail any intoxicating liquor, or any article whatsoever, shall be guilty of a misdemeanor. Nothing herein contained

shall be construed to prevent the prosecution under any law of the state of any person who wilfully assists any prisoner to escape, or who brings or causes to be brought into the jail anything useful in aiding a prisoner to make his escape. (Code 1958, 22-16)

Secs. 7-13—7-29. Reserved.

Article II. Police Retirement Fund

Sec. 7-30. Retirement fund.

The City shall be a member of The State Municipal Police Officer's Retirement Fund.

Sec. 7-31. Compensation of disabled and retired policemen.

The compensation to be paid to disabled and retired policemen shall be as provided by the laws of the state. (Code 1958, 22-11)

Secs. 7-32—7-49. Reserved.

Article III. Sale of Unclaimed Property

Sec. 7-50. Sale authorized after 120 days.

All personal property in possession of the police department, and unclaimed by the owner thereof for a period of at least 120 days may be sold by the chief of police at public auction for cash to the highest bidder. The personal property may also be, after the designated period, donated to any non-profit organization or program after approval by the City Council. (Code 1958, Sec. 22-24; Ord. 1295, 9/2/75; Ord. 1324, 5/17/76)

Sec. 7-51. Notice.

The chief of police shall give notice of the time and place of such sale by publishing a notice thereof in a newspaper of general circulation published in the City in one regular issue of the paper. If any of the property to be sold at such sale is of the value of ten dollars (10) or more, the notice shall contain a general description of such property with the name of the owner thereof, if known. (Code 1958, 22-25)

Sec. 7-52. Record of sales, contents, disposition.

The chief of police shall make or cause to be made, a list, in duplicate, of the property so sold, giving as far as possible, a general description of each piece of property sold and the name of the owner thereof, if known and the amount of money derived from the sale thereof. One copy of the list shall be kept by the chief of police and the other delivered to the City. (Code 1958, 22-26)

Sec. 7-53. Proceeds of sale—deposit in general fund.

All moneys derived from such sale shall be placed in the general fund of the City. (Code 1958, 22-27)

Sec. 7-54. Same—recovery by former property owner, limitation.

If the owner of any of the property so sold shall, within one (1) year after the date of the sale, make satisfactory proof, by affidavit, to the City Council, of his ownership of the property, the Council, if satisfied that such person is the owner of the property, shall direct the City to draw a warrant on the general fund, payable to such owner for the amount for which the property was so sold; and the warrant shall be paid by the City from the general fund. (Code 1958, 22-28)

Article IV. Dispatch Services

Sec. 7-60. False alarm fees.

A. A false alarm fee shall be charged when City equipment responds, by the City for false alarms reported to the Dispatch Center within any given quarter from the same location as follows:

| | Fire Alarms | Police Alarms |
|---|------------------------|--------------------------|
| First false alarm within the quarter | \$ 50.00 | \$ 0 |
| Second false alarm within the quarter | \$100.00 | \$25.00 |
| Third false alarm within the quarter | 250.00 | \$50.00 |
| Fourth or greater false alarm within the quarter (per alarm) | 500.00 | \$100.00 |

B. Also the fee may be waived for alarms caused by factors off-premises if the user can definitely prove to the City Manager that the alarm did not occur on-premises.

C. The above fees and incident count shall not be applied where there is a student induced or vandal induced false alarm incident, to any regularly scheduled fire drills or to any alarms caused by telephone repair work. The City Manager, upon being presented substantial evidence that an alarm was caused by factors off the premises, may waive such fee.

D. Whoever notifies the City for the alarm shall be responsible for payment of all false alarm fees. (Ord. 1793, 1/3/95; Ord. 1808, 7/3/95)