

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST¹

SECTION

- 6-101. Keeping and sale of unclaimed property in the possession of the police department.
- 6-102. Police department authorized to charge fees and establish revenue fund for registration of sexual offenders.
- 6-103. Special police officers authorized to issue citations in lieu of arrest.

6-101. Keeping and sale of unclaimed property in the possession of the police department. (1) Any and all unclaimed personal property of whatsoever kind or character, now or hereafter coming into the possession of the police department shall be inventoried by the chief of police, and a full and complete list thereof shall be transmitted to the mayor.

(2) The mayor, upon receipt of said list of unclaimed property, shall determine therefrom the unclaimed property that has been held by the police department for a period of at least sixty (60) days; whereupon, the mayor shall cause said unclaimed property so held to be appropriated for the use of the City of Bartlett, or sold at public auction, which may be via the Internet, as follows:

- (a) That resolution authorizing such sale, describing the property in sufficient detail for its identification, shall first be adopted, and that notice of such sale describing the property in like manner shall be prepared by the chief of police and signed by the mayor, which notice of sale shall be posted in three (3) public places within the City of Bartlett, at least ten (10) days before the time fixed for said sale.

¹Municipal code references

Alarm system standards: title 20, chapter 4.

Arrest on state warrant: § 3-104.

Arrest without state warrant: § 3-105.

Civil action in lieu of arrest: § 3-115.

Driver's license in lieu of bail: § 15-601.

Traffic citations, etc.: title 15, chapter 7.

(b) The notice of said sale shall, in addition to the description of the property to be sold, give date, place, and time of day, and terms, if any, on which said sale shall be made. Notice for sales made via the Internet shall include the city website.

(c) That no city officer elected or appointed, or employee, shall directly or indirectly submit a bid for the purchase of said unclaimed property at said sale.

(d) Said property so offered for sale shall be sold to the highest bidder, either for cash, or on terms, as provided in said notice, provided that the chief of police may, in his discretion, fix a minimum sale price and refuse to sell unless said minimum price is offered.

(3) Any articles of property to be appropriated to the use of the city shall be made available to the division in need thereof, upon approval of such appropriation by the mayor.

(4) That the proceeds of said auction sale or sales shall immediately be deposited with the treasurer of the City of Bartlett and placed in the general fund. (Ord. #74-7, June 1974, as amended by Ord. #74-12, Nov. 1974, modified)

6-102. Police department authorized to charge fees and establish revenue fund for registration of sexual offenders. The Bartlett Police Department is hereby authorized to collect the maximum administrative fee allowed by Tennessee State Law for handling this registration and the finance department is hereby authorized to establish a special revenue fund to receive said registration fees and pay police department costs associated with said registrations. (Ord. #04-16, Nov. 2004)

6-103. Special police officers authorized to issue citations in lieu of arrest.¹ (1) Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen hereby appoints the director and his designees in the fire department and the director and his designees in the building codes department as special police officers having the authority to issue citations in lieu of arrest.

(2) The director and his designees in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code and the director and his designees in the building codes department shall have the authority to issue citations in lieu of arrest for violations of the building, utility, housing, and property maintenance code.

(3) The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date

¹Municipal code reference

Civil action in lieu of arrest: § 3-115.

and place for the offender to appear in court and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

(4) It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

(5) Pursuant to Tennessee Code Annotated, § 7-63-201, *et seq.*, the board of mayor and aldermen designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board hereby designates the director and his designees in the public works department to issue ordinance summonses in those areas.

(6) These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

(7) The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may

(a) Have a summons issued by the clerk of the city court; or

(b) Seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender if he refuses to sign the agreement to appear in court. If the police officer makes an arrest, he shall dispose of the person arrested as provided in Tennessee Code Annotated, § 7-63-104.

(8) It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (Ord. #04-20, Nov. 2004)