

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST PROCEDURES.
3. CITATIONS, WARRANTS, AND SUMMONSES.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Established.
- 6-102. Operations.
- 6-103. Organization.
- 6-104. Budget.
- 6-105. Authority of police chief.
- 6-106. Training and maintenance of equipment.
- 6-107. Composition of police department.
- 6-108. Appointment of members.
- 6-109. Power and authority.
- 6-110. Issuance of warrants.
- 6-111. Distress warrants.
- 6-112. Arrest for ordinance violation.
- 6-113. Objectives.
- 6-114. Officers to wear prescribed uniforms, badges and be armed.
- 6-115. Police chief assistant to state commissioner of commerce.
- 6-116. Police chief to provide procedural guidelines, etc.
- 6-117. Use of personnel and equipment outside city limits.

6-101. Established. (1) There is hereby established, for the Town of Mosheim, a Department of Police, to be directed by the chief of police, to be supported and equipped from appropriations by the board of mayor and aldermen and from all other applicable contributions. All apparatus, equipment, and supplies of the police department shall be purchased with the approval of

¹Municipal code references

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

"Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004:" title 7, chapter 3, footnote 1.

the Chief of Police in accordance with municipal purchasing requirements and shall be and remain the property of the town.

(2) The police department shall be composed of a chief appointed by the Town of Mosheim Board of Mayor and Aldermen, and such number of subordinate officers and police officers as may be recommended by the chief of police. The police chief shall be sworn by an officer of the court. In addition to the police chief and all officers, the police chief may augment the police department with volunteers to support non-police duties, as when needed. (Ord. #274, June 2018)

6-102. Operations. The board of mayor and aldermen shall provide for the operations of the police department in its annual budget. Any funds donated to, or raised by, the police department, or by any individual or group of volunteer police officer or other persons, may be accepted by the board of mayor and aldermen and may be used for purposes designated by the police chief or the respective contributors. All equipment, materials, supplies, etc., purchased with contributed funds shall become the property of the Town of Mosheim. The board of mayor and aldermen may reject any gift or contribution it deems not to be in the best interest of the Town of Mosheim. (Ord. #274, June 2018)

6-103. Organization. The Chief of the Town of Mosheim Police Department shall, under the direction of the board of mayor and aldermen, set up the organization of the department, make work assignments to individuals and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the police department. (Ord. #274, June 2018)

6-104. Budget. The Chief of the Town of Mosheim Police Department shall prepare the annual department budget to be approved by the board of mayor and aldermen and keep adequate records of all policies, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports as the mayor requires. The mayor shall submit such written reports to the board of mayor and aldermen as the board of mayor and aldermen requires. (Ord. #274, June 2018)

6-105. Authority of police chief. The Chief of Town of Mosheim Police Department shall have the authority to suspend or dismiss any other member of the police department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor, however, only the board of mayor and aldermen shall dismiss the police chief. (Ord. #274, June 2018)

6-106. Training and maintenance of equipment. (1) The Chief of the Town of Mosheim Police Department shall be fully responsible for the

training of the police officers and for maintenance of all property and equipment for the police department, under the direction and subject to the requirements of the board of mayor and aldermen.

(2) Each police officer shall receive no less than forty (40) hours of in-service police training annually, after an initial training period consisting of no less than sixteen (16) hours of basic police training during the first ninety (90) days of membership in the police department. Paid police shall be trained in accordance with the standards of the Tennessee Commission on Police Standards and Education. (Ord. #274, June 2018)

6-107. Composition of police department. (1) The department of police shall be composed as the chief of police and other such officers, patrolmen, employees, and volunteers as the board of mayor and aldermen may from time to time to determine. The chief of police shall have immediate direction and control of the police department subject to the provisions of the mayor and to such rules and regulations as the board of mayor and aldermen or mayor may prescribe.

(2) The chief of police may be either part- or full-time as the board of mayor and aldermen may direct from time to time. The chief of police shall have all of the powers, rights, authorities and jurisdictions as by law vested by the State of Tennessee whether for police or marshals.

(3) Chief of police shall receive a salary to be fixed by the board of mayor and aldermen. He shall remain in office at the sole pleasure of the board of mayor and aldermen and for such term or terms as the board of mayor and aldermen may so direct. (Ord. #274, June 2018)

6-108. Appointment of members. (1) The members of the Town of Mosheim Police Department other than the police chief shall be selected from a list of eligible candidates prepared by the chief and the mayor in accordance with the rules and regulations as the board of mayor and aldermen may prescribe,

(2) Those members are to be appointed and approved by the board of mayor and aldermen and sworn by an officer of the court. All officers in the police department shall remain employed as police officers at the pleasure of the board of mayor and aldermen and for such terms as the board may so direct.

(3) Each member of the department of police shall, before entering upon his duties, subscribe an oath that he will faithfully, without fear or favor, perform the duties of his office.

(4) Salaries for each member of the department of police shall be set by the board of mayor and aldermen. (Ord. #274, June 2018)

6-109. Power and authority. Generally, the police chief and the officers of the Town of Mosheim Police Department are hereby vested with all power and authority given to them as police officers under the laws of the State

of Tennessee in taking cognizance of and enforcing criminal laws of the State of Tennessee and the ordinances and regulations of the town within the city limits of the Town of Mosheim, and it shall be the duty of each such officer to use his best endeavors to prevent within the town, offenses against the laws of the state and against the ordinances and regulations of the town. Such officers shall not receive any fee or other compensation for any services rendered in the performance of his duty other than the salary paid by the town, nor shall he receive a fee as a witness in any case arising under the criminal laws of the state or under the ordinances or regulations of the town and prosecuted in the court of said town. (Ord. #274, June 2018)

6-110. Issuance of warrants. Member of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case. (Ord. #274, June 2018)

6-111. Distress warrants. Distress warrants may be issued for the collection of taxes and any such distress warrant shall be executed by the chief of police or any police officers of the town by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of courts of general sessions. (Ord. #274, June 2018)

6-112. Arrest for ordinance violation. The chief of police or a police officer of the town, may, upon review, arrest any person who may be guilty of a breach of the ordinances of the town or of any crime against the laws of the State of Tennessee and may, upon reasonable information supported by affidavit, procure process for the arrest of any person who may be charged with a breach of any ordinance of the city. (Ord. #274, June 2018)

6-113. Objectives. The police department shall have as its objectives:

- (1) To suppress riots, disturbances, and breaches of the peace;
- (2) To pursue and arrest any persons fleeing from justice in any part of the state;
- (3) To apprehend any and all persons caught in the act of committing and offenses against the laws of the state or the ordinances of the city and forthwith bring the persons before the proper authority for trial and examination;
- (4) To diligently and faithfully enforce at all times all such laws, ordinances and regulations for the preservation of good order and the public welfare as the board of mayor and aldermen may ordain;

- (5) To prevent the loss of life and property by presence, availability, persistent patrolling, and observation;
- (6) To investigate all crimes;
- (7) To serve the citizens of the Town of Mosheim;
- (8) To perform such rescue work as its equipment and/or the training of its personnel makes practicable;
- (9) To provide emergency medical care at the highest level that the equipment and training of the personnel makes practicable;
- (10) To assist emergency management of the town;
- (11) To protect the health and safety of the citizens from crimes and natural disasters;
- (12) To work with all other police agencies; and
- (13) To provide public law enforcement and crime prevention education materials and information to the citizens in order that they may protect themselves from harm. (Ord. #274, June 2018)

6-114. Officers to wear prescribed uniforms, badges and be armed. The Chief of Police shall prescribe the uniform and badges for the members of the police department and further direct the manner in which the members of said force shall be armed. Any person other than a member of said police department who shall wear such uniform or badges shall be subject to such fines which may be prescribed by the board of mayor and aldermen by proper ordinance. (Ord. #274, June 2018)

6-115. Police chief assistant to state commissioner of commerce. Pursuant to requirement of the *Tennessee Code Annotated*, the police chief is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by *Tennessee Code Annotated* and shall be subject to the directions of the commissioner in the execution of the provisions thereof. (Ord. #274, June 2018)

6-116. Police chief to provide procedural guidelines, etc. The chief of police shall devise, provide, and maintain the policy and procedural guidelines for the day-to-day operations of the Town of Mosheim Police Department. (Ord. #274, June 2018)

6-117. Use of personnel and equipment outside city limits. Personnel and/or equipment of the Town of Mosheim Police Department may be used for assisting any police outside the city limits if the board of mayor and aldermen has developed policies for providing emergency services outside the city limits or entered into a contract or mutual aid agreement pursuant to the authority of:

- (1) The Local Government Emergency Assistance Act of 1987, as amended, codified in *Tennessee Code Annotated*, §§ 58-2-601 *et seq.*;

- (2) *Tennessee Code Annotated*, §§ 12-96-101, *et seq.*; and
- (3) *Tennessee Code Annotated*, § 6-54-601. (Ord. #274, June 2018)

CHAPTER 2

ARREST PROCEDURES

SECTION

6-201. When police officers to make arrests.

6-202. Disposition of persons arrested.

6-201. When police officers to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person;

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person; or

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

6-202. Disposition of persons arrested. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

¹Municipal code reference

Issuance of citation in lieu of arrest in traffic cases: title 15, chapter 7.

CHAPTER 3

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-301. Citations in lieu of arrest in non-traffic cases.

6-302. Summonses in lieu of arrest.

they shall refer to the person designated by the board of commissioners to enforce the provisions of

6-301. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to *Tennessee Code Annotated*, §§ 7-63-101, *et seq.*, the board of mayor and aldermen shall designate a person in the fire department and in the building department, special police officers having the authority to issue citations in lieu of arrest. The designee in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The designee in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility, and housing codes adopted in title 12 of this municipal code of ordinances.

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 and place for the offender to appear 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.

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.

6-302. Summonses in lieu of arrest. Pursuant to *Tennessee Code Annotated*, §§ 7-63-201, *et seq.*, which authorizes the board of mayor and aldermen to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control, and animal

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 7.

control, the board shall designate a person in the departments to issue ordinance summonses in those areas. 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.

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 summoned 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:

- (1) Have a summons issued by the clerk of the town court; or
- (2) May 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 for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

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. (modified)