

TITLE 6

LAW ENFORCEMENT

CHAPTER

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

CHAPTER 1

POLICE DEPARTMENT¹

SECTION

- 6-101. Administration.
- 6-102. Police officers to serve at pleasure of commissioners.
- 6-103. Police officers to preserve law and order, etc.
- 6-104. Police force shall issue warrants, etc.
- 6-105. Commissioner of police department.

6-101. Administration. (1) The police force shall be composed of a chief of police and such police officers as the city council shall determine.

(2) The Townsend Police Chief shall have the authority to promote all personnel within the police department in accordance with personnel policies and procedures² adopted by the board.

(3) The Townsend Police Chief is hereby designated as the safety coordinator for the City of Townsend in accordance with personnel policies and procedures adopted by the board. (Ord. #101-96, Aug. 1996, modified, as amended by Ord. #295-18-1C, Oct. 2018)

6-102. Police officers to serve at pleasure of commissioners. The chief of police and police officers shall serve at the pleasure of the city council. (Ord. #101-96, Aug. 1996, modified)

6-103. Police officers to preserve law and order, etc. Police officers shall preserve law and order with the city. They shall patrol the city and shall

¹Municipal code reference

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

²The personnel policies and procedures for the City of Townsend may be found in the recorder's office.

assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court.

6-104. Police force shall issue warrants, etc. Members 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 said courts as prosecutors. (Ord. #101-96, Aug. 1996)

6-105. Commissioner of police department. The board of commissioners shall elect one (1) of its members as commissioner of the police department. The election of a commissioner shall take place at the first regular meeting of the board of commissioners after the general election, and the commissioner shall serve a term of two (2) years. The commission shall have such authority and duties as may be delegated and given to him by the board of commissioners. The commissioner shall have no authority to employ and/or remove employees of the department, but any such employee shall be employed and/or removed by the board of commissioners, although the board of commissioners shall receive and act upon any recommendations made by the commissioner with respect to employment and/or removal of any such employees of the department. (Ord. #101-96, Aug. 1996)

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.

(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.

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 appoints the chief in the fire department and the codes enforcement in the building department special police officers having the authority to issue citations in lieu of arrest. The chief 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 codes officer 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 city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the codes enforcement in the codes department and the city officers in the animal control department 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

¹Municipal code reference

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

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 city 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.