

TITLE 6**LAW ENFORCEMENT****CHAPTER**

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2. AUXILIARY POLICE UNIT.
3. CITATIONS, WARRANTS AND SUMMONSES.
4. POLICE DEPARTMENT RULES AND REGULATIONS.

CHAPTER 1**POLICE AND ARREST****SECTION**

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6-101. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1998 Code, § 6-101, modified)

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the Town of New Tazewell. They shall patrol the town and shall assist the town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the town court. (1998 Code, § 6-102, modified)

6-103. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1998 Code, § 6-103, modified)

6-104. When police officers to make arrests¹. 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 reasonable cause to believe the person has committed it. (1998 Code, § 6-104, modified)

6-105. Disposition of persons arrested.¹ (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinance, shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. 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.

6-106. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by police officers.

(3) All police investigations made and fire calls answered.

(4) Any other records required to be kept by the board of mayor and aldermen or by law. (1998 Code, § 6-107, modified)

6-107. Miscellaneous administrative provisions. The following miscellaneous administrative provisions shall apply to the police department:

(1) The police department shall be composed of a chief of police and such number of patrolmen as the board shall appoint.

(2) All police officers shall be on regular duty forty-two (42) hours per week or eighty-four (84) hours in a two (2) week period and shall be on call twenty-four (24) hours a day.

¹Municipal code reference

Trial and disposition of cases: § 3-205.

(3) Pay for police officers is established in the annual budget and pay day regulations are set forth in title 4 of this code.

(4) Each police officer will be furnished six (6) uniforms (three (3) winter and three (3) summer) which will remain the property of the town.

(5) The town will furnish a sidearm to each officer.

(6) Any police officer may be suspended or discharged by the board at any time for conduct unbecoming an officer.

(7) All police officers will be expected to patrol and police the entire town and to keep a log of daily activities.

(8) All police officers must be bondable but the town will pay the costs of any required bonds.

(9) Each police officer shall keep a record of all citations he issues, arrests he makes, complaints he handles, and receipts he issues.

(10) All fees, fines, or bonds collected or received by police officers as a result of arrests or other law enforcement activities will be promptly paid over to the town.

(11) Police officers will be responsible for seeing that the patrol car has proper maintenance and is kept neat and clean at all times.

(12) Each police officer must maintain a telephone and service. (1998 Code, § 6-108, modified)

6-108. Drug fund established. (1) The New Tazewell Police Department shall be accountable to the New Tazewell Board of Mayor and Aldermen for the proper disposition of the proceeds of goods seized and forfeited under the provisions of Tennessee Code Annotated, § 53-11-451, and for the fines imposed by Tennessee Code Annotated, § 39-17-428.

(2) All drug fund monies will be deposited into the general fund account of the municipality and kept in a separate ledger for identification purposes and be spent according to the Tennessee Code Annotated, § 39-17-420.

(3) An annual audit report of such funds shall be submitted to the New Tazewell Board of Mayor and Aldermen. (1998 Code, § 6-109)

6-109. Standard operating procedures. All police matters are covered in the police policy and procedures manual. A copy of the manual is maintained in the police chief's office.

CHAPTER 2

AUXILIARY POLICE UNIT

SECTION

- 6-201. Purpose.
- 6-202. Authority.
- 6-203. Restrictions.
- 6-204. Types of active duty.
- 6-205. Requirements.

6-201. Purpose. The purpose of the auxiliary police unit is to have trained and bonded personnel subject to call to active duty when needed for:

- (1) Any emergency.
- (2) To fill in for regular personnel in cases of:
 - (a) Sickness.
 - (b) Annual leave. (1998 Code, § 6-201)

6-202. Authority. Auxiliary police have full arrest powers of regular police personnel, as stated in town ordinances governing police activity, when placed on active duty status by proper authority and are authorized to carry weapons as stated in town ordinances governing regular police personnel when placed on active duty status by proper authority. (1998 Code, § 6-202)

6-203. Restrictions. No auxiliary police officer shall make an arrest or carry a weapon unless placed on "duty" status by:

- (1) Board of mayor and aldermen (as a body); or
- (2) Mayor. (1998 Code, § 6-203)

6-204. Types of active duty. (1) Paid active duty.

- (a) When called to duty in cases of emergency.
- (b) When called to duty to fill in for regular police personnel.

(2) Non-pay active duty. Voluntary service approved by the chief of police for training purposes. (1998 Code, § 6-204)

6-205. Requirements. All auxiliary police officers must meet Peace Officers Standards and Training (POST) Commission requirements for part-time/temporary/auxiliary law enforcement officers, and be approved by the Board of Mayor and Aldermen of New Tazewell, be bonded to the Town of New Tazewell, carry arrest insurance, and obey all rules and regulations of regular police personnel while on active duty. (1998 Code, § 6-205, modified)

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 (1) Pursuant to Tennessee Code Annotated, § 7-63-101, et seq., the board of mayor and aldermen appoints the fire chief in the fire department and the code enforcement officer in the building department special police officers having the authority to issue citations in lieu of arrest. The fire 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 code enforcement 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.

(2) 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 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, 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.

(3) 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. (1) 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 areas of sanitation, litter control and animal control, the board designates the code enforcement officer 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.

¹Municipal code reference

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

(2) 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.

(3) 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 town 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 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.

(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 ordinance summons was issued.

CHAPTER 4

POLICE DEPARTMENT RULES AND REGULATIONS

SECTION

6-401. New Tazewell Police Department Rules and Regulations.

6-401. New Tazewell Police Department Rules and Regulations.¹

The New Tazewell Police Department Rules and Regulations are hereby adopted by reference and incorporated as if fully set out herein.

¹The New Tazewell Police Department Rules and Regulations (and any amendments) are available for review in the office of the recorder.