

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

1. POLICE AND ARREST.
2. WORKHOUSE.
3. ALARM SYSTEMS.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1980 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1980 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the city council shall authorize and shall

¹Municipal code reference

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

Ord. #446 (Dec. 7, 1992) created the position of public safety officer. Wherever this municipal code refers to the police chief, it shall be deemed to be a reference to the public safety officer. See title 20, chapter 5, for further reference to the department of public safety.

carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1980 Code, § 1-403)

6-104. When policemen 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 policeman 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. (1980 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1980 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1980 Code, § 1-406)

6-107. 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 policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1980 Code, § 1-407)

¹Municipal code reference

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

CHAPTER 2**WORKHOUSE****SECTION**

- 6-201. County workhouse to be used.
- 6-202. Inmates to be worked.
- 6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the County of Sumner. (1980 Code, § 1-601)

6-202. Inmates to be worked. Any person found guilty of violating the provisions of this code and for which a fine has been assessed, who shall fail or neglect to pay such fine and costs shall be committed to the city workhouse there to be employed at labor to the extent of his physical condition for said violation until such fine and costs are paid in full. (1980 Code, § 1-602)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him. (1980 Code, § 1-603)

CHAPTER 3

ALARM SYSTEMS

SECTION

6-301. Definitions.

6-302. Violations.

6-303. Automatic dialing devices.

6-304. Response to false alarm - required reports of corrective action.

6-305. Enforcement.

6-306. Fines.

6-301. Definitions. For the purpose of this chapter, the following terms shall have the following meanings:

(1) "Activate" means to "set off" an alarm system indicating in any manner an incidence of burglary, robbery, panic, fire, water pressure or any other similar type situation.

(2) "Alarm system" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, or for indicating hold up, panic or water pressure alerting which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and monitored alarms. Excluded from the definition of "alarm systems" are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service and self-contained smoke detectors.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular or cellular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or his employees, servants or agents; or any other activation of the alarm system not caused by a fire or a forced entry or robbery or attempted robbery, or the emergency situation the system is designated to detect; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other alarms caused by utility company personnel. A maximum of three (3) false burglar

alarms; three (3) false robber/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a calendar year. All false subsequent activation will be considered chargeable violations. Any alarm signal triggered as a result of police or fire response is not considered a "false alarm" for the purposes of accumulation. The tracking system for alarm responses shall be the call logs for the Sumner County Emergency Communications Center.

(6) "Fire officer" means the Fire Chief of the Portland Fire Department or his designated representatives.

(7) "Law enforcement officer" means the Chief of Police of the Portland Police Department or his designated representatives.

(8) "Panic alarm" means the activation of an alarm system by a device manually operated by the user to summon help. Any "panic alarm" that is not manually activated by a user will be considered a burglar alarm for the purposes of this chapter. A panic alarm activated by a user with the belief that an actual emergency situation did exist, at the time of the activation, will not be considered a false alarm.

(9) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to exclude a government or governmental subdivision or agency thereof.

(10) "Residential premises" means structure or combination of structures which serve as dwelling units including single family as well as multi-family units.

(11) "Calendar year" means the period from January 1 until December 31 of any given year. (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)

6-302. Violations. (1) It shall be a violation of this chapter when any Portland Police Department or Fire Department officer responds to a false alarm after the allowable false alarms, set out in § 6-301(5), have been exhausted.

(2) It shall be a violation of this chapter for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system, without prior notification to the Sumner County Emergency Communications Center. If the Sumner County Emergency Communications Center is notified to cancel the call within three (3) minutes of the original call, it will not be considered a false alarm, unless the responding Portland officer arrives on the scene before the original call is cancelled, barring any undue delay in the dispatch of the cancellation. Three (3) cancellations will be granted within a calendar year.

(3) Any non-compliance with the requirements of this chapter shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable as provided in § 6-306. (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)

6-303. Automatic dialing devices. It shall be a violation of this chapter for any automatic dialing device to call into the Sumner County

Emergency Communications Center, either on regular business lines or on 911 emergency lines. (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)

6-304. Response to false alarm - required reports of corrective action. (1) The only alarms the Portland Police and Fire Departments will respond to are:

- (a) Burglary (residential and business).
- (b) Robbery/hold up (business only).
- (c) Kidnapping (residential and business).
- (d) Fire (residential and business).
- (e) Medical (residential).
- (f) Panic (residential only).

(2) Responsibility for a false alarm shall be borne by the owner, lessee, operator or user of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(3) A response to an alarm shall result when any fire or police department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the dispatcher back within three (3) minutes of the original call, it will not be considered a false alarm, unless the responding Portland officer has already arrived before the call to cancel has been made, barring any undue delay in the dispatch of the cancellation.

(4) After the allowable false alarms set out in § 6-301(5), each person who owns, operates, leases or controls any premises, commercial or residential, having an alarm system, may be cited to Portland Municipal Court for any response to a false alarm. The person shall show proof to the municipal court judge of the corrective action taken to remedy the situation. (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)

6-305. Enforcement. Portland police officers are specifically authorized to enforce this chapter. Any Portland police officer may lawfully issue a citation to an owner, lessee, operator or user of a functional alarm system whose alarm system has given a false alarm in excess of the number allowed under § 6-301(5). (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)

6-306. Fines. The first violation of this chapter, within a calendar year, shall result in a fine of twenty-five dollars (\$25.00). Each subsequent offense, within a calendar year, shall result in a fine of no less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), per offense. No court fines will be assessed on the first offense. (as added by Ord. #21-05, March 2021 *Ch12_12-06-21*)