

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. CHIEF INVESTIGATOR.
3. ARREST PROCEDURES.
4. CITATIONS, WARRANTS, AND SUMMONSES.
5. FALSE ALARM.

CHAPTER 1

POLICE DEPARTMENT

SECTION

- 6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. 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.

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.

6-103. Police department records. The police department shall keep a comprehensive and detailed daily record, in permanent form, showing at a minimum:

- (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.
- (4) Any other records required to be kept by the board of mayor and council members or by law.

The police chief shall be responsible for insuring that the police department complies with the section.

CHAPTER 2

CHIEF INVESTIGATOR

SECTION

6-201. Chief investigator position created and authorized.

6-202. Duties.

6-203. Compensation.

6-204. Term of office.

6-201. Chief investigator position created and authorized. There is hereby created and authorized, the position of chief investigator which shall be filled as provided for under civil service plan. (Ord. #1009, April 1997)

6-202. Duties. The chief investigator shall have identical police powers as other police officers of the city, but shall work independently of the department of safety, and shall be directly answerable to the chief of police. (Ord. #1009, April 1997, modified)

6-203. Compensation. The chief investigator shall be compensated in the same name as other employees under the civil service plan. (Ord. #1009, April 1997)

6-204. Term of office. The chief investigator shall serve with all the rights, benefits and privileges, as granted under the civil service ordinance of the City of Rockwood, and in the event the chief investigator's office is abolished, he/she shall have seniority rights in the police department. The present chief investigator shall continue employment subject to the provisions of this chapter. (Ord. #1009, April 1997)

CHAPTER 3

ARREST PROCEDURES

SECTION

6-301. When policemen to make arrests.

6-302. Disposition of persons arrested.

6-301. 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 probable cause to believe the person has committed it.

6-302. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city 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.

¹Municipal code reference

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

CHAPTER 4

CITATIONS, WARRANTS, AND SUMMONSES

SECTION

6-401. Citations in lieu of arrest in non-traffic cases.

6-402. Summonses in lieu of arrest.

6-403. Failure to appear.

6-401. 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 building code and fire inspector as special police officer having the authority to issue citations in lieu of arrest. The building code and fire inspector shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 and 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.

6-402. 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 animal control officer in the animal control department to issue ordinance summonses in those areas. This enforcement officer 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.

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 § 6-401 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.

6-403. Failure to appear. (1) It is unlawful for any person to knowingly fail to appear as directed by a lawful authority if the person:

(a) Has been issued a citation to appear in municipal court in lieu of arrest in a non-traffic case pursuant to § 6-401 of the Rockwood Municipal Code;

(b) Has been issued a citation in lieu of arrest in a traffic case pursuant to title 15, chapter 7 of the Rockwood Municipal Code;

(c) Has been issued a summons in lieu of arrest pursuant to § 6-402 of the Rockwood Municipal Code; or

(d) Knowingly goes into hiding to avoid prosecution or court appearance.

(2) It is a defense to prosecution under this section if the person had a reasonable excuse for failure to appear at the specified time and place.

(3) Nothing in this section shall apply to witnesses.

(4) For each person who violates this section of the Rockwood Municipal Code, the Rockwood Municipal Judge shall impose a fine of not to exceed fifty dollars (\$50.00). (as added by Ord. #11-64, Jan. 2013)

CHAPTER 5

FALSE ALARM

SECTION

- 6-501. Definitions.
- 6-502. Alarm permit.
- 6-503. Duties of the alarm user.
- 6-504. Duties of the alarm company.
- 6-505. Prohibited acts.
- 6-506. Enforcement of provisions.
- 6-507. Alarm user awareness class.
- 6-508. Citation to city court.
- 6-509. Confidentiality.
- 6-510. Government immunity.

6-501. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) "Alarm administrator" means a person or persons designated by the city to administer, control and review false alarm reduction efforts, and administer the provisions of this ordinance.

(2) "Alarm company" means a person subject to the state licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with state laws.

(3) "Alarm signal" means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement and/or fire service are requested to respond.

(4) "Alarm system" means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement and/or fire service is requested to respond, but does not include motor vehicle or boat alarms, dedicated/stand-alone fire alarm systems, domestic violence alarms, or alarms designed to elicit a medical response.

(5) "Alarm user" means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

(6) "Alarm user awareness class" means a class conducted for the purpose of educating alarm users about the responsible use, operation and maintenance of alarm systems, and the problems created by false alarms.

(7) "Automatic dial protection device" means an automatic dialing device or an automatic telephone dialing alarm system and shall include any

system which; upon being activated, automatically initiates to the Rockwood Police Department or Rockwood Fire Department a recorded message or code signal indicating a need for law enforcement response.

(8) "Cancellation" means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Rockwood Police Department or Rockwood Fire Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police or fire personnel arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

(9) "City" means the City of Rockwood or its agent.

(10) "False alarm" means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Rockwood Police Department and/or Rockwood Fire Department, evidence indicates that there was no unauthorized entry, robbery, crime, smoke, excessive heat, or water flow which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm, which can reasonably be determined to have been caused or activated by unusually violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user or circumstances indicating a real emergency.

(11) "Local alarm" means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

(12) "SIA Control Panel Standard CP-01" means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms: Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel standard features for false alarm reduction."

(13) "Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first

attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

In case of a fire alarm, the Rockwood Fire Department will respond without telephone verification. After the occurrence, fire department personnel will determine if the incident is classified a false alarm. (as added by Ord. #11-79, Feb. 2014)

6-502. Alarm permit. (1) Permit required. No person shall use an alarm system without first obtaining a permit for such alarm system from the city. A fee may be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement or fire department dispatch. There shall be a grace period of six (6) months following the passage of this ordinance during which no penalty will be assessed for failure to register.

(2) Application. The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.

(3) Transfer of possession. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.

(4) Reporting updated information. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(4) Multiple alarm systems. If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant. (as added by Ord. #11-79, Feb. 2014)

6-503. Duties of the alarm user. (1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(2) Provide the alarm company all of the proper information necessary to ensure correct dispatch.

(3) Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Rockwood Police Department or Rockwood Fire Department to deactivate an alarm system.

(4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider. (as added by Ord. #11-79, Feb. 2014)

6-504. Duties of the alarm company. (1) Any person engaged in the alarm business in the city/county, shall comply with the following:

(a) Obtain and maintain any required license(s).

(b) Be able to provide name, address, and telephone number of the alarm user or a designee, who can be called in an emergency, twenty-four (24) hours a day; and be able to respond to an alarm call, when notified, within two (2) hours.

(c) Be able to provide the most current contact information for the alarm user.

(2) Alarm installation companies are encouraged to use only alarm control panel(s) which meets SIA Control Panel Standard CP-01 on all new and upgraded installations.

(3) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(4) Provide written information of how to obtain service from the alarm company for the alarm system.

(5) An alarm company performing monitoring services shall:

(a) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress or fire has been verified by video and/or audible means.

(b) Provide alarm user information to the communications center to facilitate dispatch and/or cancellations.

(c) Communicate any available information about the alarm.

(d) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary. (as added by Ord. #11-79, Feb. 2014)

6-505. Prohibited acts. (1) It shall be unlawful to activate an alarm system for the purpose of summoning emergency personnel when no burglary, robbery, fire, or other crime or emergency dangerous to life or property is being committed or attempted or occurring on the premises, or otherwise to cause a false alarm.

(2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than ten (10) minutes, except for those audible alarms used in conjunction with dedicated/stand-alone fire alarm systems.

(3) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Rockwood Police Department or Rockwood Fire Department. (as added by Ord. #11-79, Feb. 2014)

6-506. Enforcement of provisions. (1) Excessive false alarms. It is hereby found and determined that three (3) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Three to five false alarms	\$25.00 each
Sixth or subsequent false alarms	\$50.00 each
Failure to register and obtain permit	\$25.00

(2) Other civil penalty(ies). Violations will be enforced through the assessment of civil penalty(ies) in the amount of twenty-five dollars (\$25.00) per violation.

(3) Payment of civil penalty(ies). Civil penalty(ies) shall be paid within (30) days from the date of the invoice. Failure to pay the civil penalties by the due date will result in a ten dollar (\$10.00) late payment fee. If balance is not paid in full within sixty (60) days, the alarm user will be cited into Rockwood City Court.

(4) Civil non-criminal violation. A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

(5) Costs of Responses to excessive false alarms. For the third and subsequent false alarms, the city may assess the cost of each response to a false alarm to the alarm user for whom the response was made. This is not a civil penalty.

(6) Funds derived from penalties and permit fees. Penalties assessed as a result of this ordinance and those received for the issuance of a permit shall be paid into the fund of the Rockwood Police Department for administering the alarm program. With these funds the city shall defray all expenses in connection with the enforcement of this ordinance that are not recoverable as costs as explained in subsection (5) above. (as added by Ord. #11-79, Feb. 2014)

6-507. Alarm user awareness class. Alarm user awareness class. The city may create and implement an alarm user awareness class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false

alarms. The city may grant the option of attending a class in lieu of paying one (1) assessed fine. (as added by Ord. #11-79, Feb. 2014)

6-508. Citation to city court. (1) Process. Failure to pay any of the aforesaid penalties will result in the alarm user being cited into Rockwood City Court. The city court judge's decision is subject to review in the circuit court by proceedings in the nature of a trial de novo.

(2) Review standard. The city court judge shall review the assessment of civil penalty(ies) or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty(ies) or other enforcement decision, the hearing city court judge shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted. (as added by Ord. #11-79, Feb. 2014)

6-509. Confidentiality. In the interest of public safety, all information contained in and gathered through the alarm response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the city. (as added by Ord. #11-79, Feb. 2014)

6-510. Government immunity. Nothing found in this ordinance is intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. The alarm user acknowledges that the Rockwood Police Department or the Rockwood Fire Department response may be influenced by factors such as: the availability of police/fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (as added by Ord. #11-79, Feb. 2014)