

TITLE 6**LAW ENFORCEMENT**¹**CHAPTER**

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

CHAPTER 1**POLICE DEPARTMENT**

[TO BE USED IF THE CITY/TOWN HAS A POLICE DEPARTMENT. IF THE CITY/TOWN HAS AN AGREEMENT WITH THE COUNTY FOR THE COUNTY SHERIFF'S DEPARTMENT TO ENFORCE MUNICIPAL ORDINANCES, SEE THE ALTERNATIVE CHAPTER 1 FOLLOWING THIS CHAPTER.]

SECTION

- 6-101. Police officers subject to chief's orders.
- 6-102. Police officers to preserve law and order, etc.
- 6-103. Police department records.

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.

6-102. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city/town. They shall patrol the city/town and shall assist the city/town court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city/town court.

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

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.

(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, processions assisted, 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 aldermen or by law.

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

CHAPTER 1

POLICE DEPARTMENT

[TO BE USED IF THE CITY/TOWN HAS AN AGREEMENT WITH THE COUNTY FOR THE COUNTY SHERIFF'S DEPARTMENT TO ENFORCE MUNICIPAL ORDINANCES.]

SECTION

6-101. County sheriff's department to enforce municipal ordinances.

6-101. County sheriff's department to enforce municipal ordinances. The Sheriff's Department of _____ County shall enforce the municipal ordinances of the city/town according to the terms of the agreement entered into between the city/town and the County of _____, the Sheriff's Department of the County of _____, and the _____ County Court of General Sessions, pursuant to *Tennessee Code Annotated*, §§ 8-8-201(34), 12-9-104 and 16-15-501.¹

¹The agreement dated _____, is of record in the office of the recorder.

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 of competent jurisdiction.

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 _____ in the fire department and the _____ in the building department special police officers having the authority to issue citations in lieu of arrest. The _____ 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 _____ 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/town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the _____ in the _____ department and the _____ in the _____ 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 or

¹Municipal code reference

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

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/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.