

CHAPTER V
POLICE DEPARTMENT

Article 1

Organization and Regulations

5.0101 Establishment

The police department heretofore created for the City of Hazen and by this chapter continued shall consist of the Chief of Police and as many policemen, policewomen, patrolmen and officers as may be authorized by the governing body.

5.0102 Additional Officers -- Emergency

In case of riot or unusual or general disturbances of the peace, the Chief of Police shall have power to appoint such other and additional policemen and policewomen as he may deem necessary for the preservation of the public peace.

5.0103 Duties of Chief

The chief of police shall be the keeper of the city jail, and shall have custody of all persons incarcerated herein. He shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the governing body. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the order of the Chief of Police.

5.0104 Duties of Police

It shall be the duty of the police department, and each and every member of the police force, to notice and diligently inquire into the report to the Chief of Police all violations of the city ordinances, violations of the criminal laws of the state and breaches of the peace, and to make complaint against the person or persons guilty thereof, and to attend punctually on all trials of offenses in regard to which complaint has been made by any policeman.

5.0105 Rules and Regulations

The Chief of the police department may make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by

the governing body, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

5.0106 Special Police

At the request of any corporation, firm or person, the Chief of Police may appoint one or more special police to duty for such corporation, firm, or person to police a public dance, music festival or public concert as required by 53-02-08 of the North Dakota Century Code. Upon appointment by the Chief of Police, the special police have all the authority now, or hereafter conferred by law, upon police until the public dance, music festival or public concert is concluded and any duties incidental to those activities are concluded by the special police. The fees for such special police are to be established by the corporation, firm or person employing the special police officer and must be paid in advance by that employer. The City is not responsible for the negligent or unauthorized acts of such special police and this responsibility shall be assumed by the firm, person or corporation requesting the appointment and employing the special police officer.

First reading: Aug. 14, 1995
Second reading: Aug. 28, 1995
Final Passage: Aug. 28, 1995

Article 2

Powers and Duties

5.0201 Money or Property of Arrested Persons

It shall be the duty of the police department, and of each and every member of the police force, to safely keep all moneys or property which may be found on the person, in possession of, or claimed by, any person arrested for crime, and pay or deliver over the same by the order of the Municipal Judge, and forthwith after taking the same, to report in writing the kind and amount thereof, to the Municipal Judge.

5.0202 Arrested Persons

Any police officer after making any arrest, with or without a warrant, for any violation of city ordinances, shall take the person or persons so arrested, without any unreasonable delay, before the Municipal Judge, or other appropriate magistrate, to be dealt with according to law and the ordinances of the City.

5.0203 Stolen, Abandoned, Lost Property

The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the City.

Article 3

Miscellaneous

5.0301 False Alarms -- Interference

No person shall give or cause to be given, or make, or place any false report, call or communication of any kind to the police, or tamper with or set off any police alarm or signal box with like intent to deceive; or intentionally cut, break, deface or remove any such box, or any of the wires or supports thereof, connected with the police alarm system; or intentionally interfere with or injure any property of any kind belonging to or used by the police department; or hinder or delay any apparatus or equipment or vehicle belonging to the police department.

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Final Passage: Aug. 28, 1995

5.0301.1 Legislative Intent and Purpose

The city police force is required to respond to every alarm given by a burglar alarm or police alarm or other such device. When police officers are required to respond to false alarms manpower and resources which could better be directed to other purposes. Consequently it is desired by the City Commission to enact a regulatory program concerning the maintenance and use of alarms within the City, for the following purposes:

1. To require that certain alarms used in the City be designated, manufactured, maintained and operated in accordance with City specifications.
2. To impose sanctions against persons who through their negligence are responsible for the occurrence of an excessive number of false alarms.
3. To require greater assistance from the persons who use such alarms in responding to alarms.

Final reading: Aug. 28, 1995

5.0301.2 Definitions

"Alarm" means a mechanical or electronic device which is intended to give a signal which indicates the occurrence of a certain event.

"Automatic Dialing Alarm" means an alarm which indicates an unauthorized entry or attempted unauthorized entry of certain limited physical premises by a means of a signal which is transmitted through City of Hazen incoming telephone lines.

"Burglar Alarm" means an alarm which indicates an unauthorized entry or attempted unauthorized entry of certain limited physical premises solely by emitting a sound audible to the unaided human ear at the premises protected by the alarm.

"Excessive False Alarms" means more than three false alarms given by the same alarm within any period of six (6) months.

"False Alarm" means the giving of a signal by a burglar alarm, police alarm, or automatic dialing alarm which indicates the occurrence of the event which the alarm is designed to signal, when in fact no such occurrence has happened at the time that the alarm gives the signal, however, the testing of an alarm system will not be considered a false alarm if the Hazen Police Department is informed of said test prior thereto.

"Police Alarm" means an alarm other than an automatic dialing alarm which indicates (1) an unauthorized entry or attempted unauthorized entry of certain limited physical premises, or (2) the occurrence of some other unlawful act, by means of a signal which is transmitted directly to the Mercer County Sheriff's Department Communications Center.

5.0301.3 Permit Requirements

(1) No person other than an employee or agent of the City of Hazen shall interconnect a police alarm, or similar device, to the Mercer County Sheriff's Department Communications Center without further receiving a written permit from the Hazen Chief of Police.

(2) The application for such a permit shall be on forms provided by the Chief of Police, which shall require the following information:

- (a) The name and mailing address of the applicant;
- (b) Street address of the premises to be served by the police alarm;
- (c) The home and business telephone numbers of the applicant and any other persons authorized to act on his behalf;

(d) The name and model of the alarm, the name and business address of the person installing the same, and the name and address of the person maintaining the alarm, if different from the installer; and

(e) Such other information as the Chief of Police might reasonably require to further the purposes of this ordinance.

(3) The Chief of Police may subject approval of the permit to compliance with certain requirements as follows:

(a) Specifications as to type of alarm system;

(b) Specifications as to testing and maintenance subsequent to installation;

(c) Requirements as to training and instruction in its use by permittee and any employees;

(d) Requirements that permittee or some other person so authorized to act on his behalf be available to promptly assist police in responding to any alarms; and

(e) Such other reasonable requirements as may be useful in accomplishing the purpose of this ordinance.

(4) A permit once granted shall be in effect perpetually, but may be revoked by the Chief of Police for any of the following:

(a) The alarm is permanently disconnected or abandoned;

(b) The permittee fails to make timely payment of any permit charges imposed herein; and

(c) The permittee does not meet any requirements imposed by the Chief of Police.

5.0301.4 False Alarms; Fees

(1) No person shall knowingly activate any police alarm, burglary alarm, or automatic dialing alarm for the purpose of summoning police to the premises protected by the alarm unless he is good faith reasonable believes an unlawful act or unauthorized entry or attempted unauthorized entry is occurring on the premises.

(2) If a police alarm has been designated by agreement between the Hazen Police Department and the police alarm owner, to used only to indicate the occurrence of a particular crime or particular type of

crime, no person with prior knowledge of the agreement shall knowingly activate the alarm for the purpose of summoning police to the premises protected by the alarm unless he in good faith reasonably believes the particular crime or type of crime is being committed. For example, "a panic button" intended to signal the on-going commission of an armed robbery shall be not be used to signal the commission of an act of shoplifting.

(3) There shall be imposed no initial fee for the privilege of connecting to the police alarm system. However, if the alarm should originate or be used for the origination of a false alarm, the owner shall pay fees in accordance with the following schedule for the privilege of maintaining an interconnection with the Mercer County Sheriff Department Communication Center. (The applicable six (6) month period with respect to any one false alarm to be used in order to compute the fee payable pursuant to the following schedule shall commence from the date six (6) months prior to the occurrence of the false alarm.)

- (a) For the first through third false alarm during a period of six (6) consecutive calendar months, no charge shall be imposed.
- (b) For the fourth through the sixth false alarm during a period of six (6) consecutive calendar months, there shall be imposed a charge of Twenty-Five and No/100 Dollars (\$25.00) per false alarm.
- (c) For the seventh through the tenth false alarm during a period of six (6) calendar months there shall be imposed a charge of Fifty and No/100 Dollars (\$50.00) per false alarm.
- (d) For eleven or more false alarms during a period of six (6) consecutive calendar months, there shall be imposed a charge of Seventy-Five and No/100 Dollars (\$75.00) per false alarm.

First Reading: January 28, 1985
Second Reading: February 11, 1985

5.0302 Right of Way

Any motor vehicle or motorcycle of the police department shall, when going to or returning on business of the department, have the right-of-way upon giving an audible signal by bell, siren, exhaust whistle, or red flashing light. The driver of any other vehicle shall drive to the nearest right-hand curb or edge of the road, stop and remain until the police vehicle shall have passed.