

## Chapter 46 LAW ENFORCEMENT\*

---

\***Cross references:** Administration, ch. 2; emergency management, ch. 30; offenses and miscellaneous provisions, ch. 58; traffic and vehicles, ch. 94.

---

Article I. In General

[Sec. 46-1. Enforcement of fire prevention ordinances.](#)

Secs. 46-2--46-30. Reserved.

Article II. Police Department

[Sec. 46-31. Organization.](#)

[Sec. 46-32. Police chief.](#)

Secs. 46-33--46-55. Reserved.

Article III. Protection of Persons and Property Committee

[Sec. 46-56. Supervision and instruction.](#)

[Sec. 46-57. Complaints.](#)

### ARTICLE I. IN GENERAL

#### Sec. 46-1. Enforcement of fire prevention ordinances.

The fire chief, in cooperation with the police department, shall enforce all fire prevention ordinances of the city and state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on the activities of the department.

(Code 1983, § 5.06(7))

**Cross references:** Fire prevention and protection, ch. 34.

Secs. 46-2--46-30. Reserved.

### ARTICLE II. POLICE DEPARTMENT\*

---

\***Cross references:** Officers and employees, § 2-146 et seq.

---

#### Sec. 46-31. Organization.

The police department shall consist of a chief of police and such other officers and number of patrol officers as shall be determined and prescribed by the city council.

(Code 1983, § 4.01)

#### Sec. 46-32. Police chief.

(a) *Appointment.* The chief of police shall be appointed by the mayor, subject to

confirmation by the council, and at the discretion of the council, may have his term of office, salary, duties and other conditions of employment defined by contract with the city.

- (b) *General duties.* The chief shall have command of the police department of the city under the direction of the mayor. He shall have general administration and control of the department and shall be responsible for the department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by the laws of the state and the ordinances of the city, and he shall obey all lawful written orders of the mayor, city council and the protection of persons and property committee and city administrator.
- (c) *To keep the peace.* The chief shall preserve the public peace and shall arrest with or without process and with reasonable diligence take before the proper court every person found in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of the city. The chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.
- (d) *Records and reports.*
  - (1) *Arrest reports.* The chief shall make and file in the office of the city clerk/treasurer a monthly report of police department activities.
  - (2) *Accident reports.* The police department shall investigate all motor vehicle accidents occurring within the city and promptly make and file accident reports of each accident, setting forth the names and addresses of the persons involved, the names and addresses of witnesses, and all other pertinent data as to the nature, cause and circumstances of the accident.
- (e) *Equipment and compensation.*
  - (1) The procurement and use of equipment and supplies required by the chief in the operation of the police department, including his uniform, an automobile for police work, weapons, etc., shall be as prescribed by the city council.
  - (2) The compensation to be paid the chief for his services, the hours of active duty, rest days, vacation periods and other involvements of his employment shall be such as may be mutually agreed upon between the chief and the city.
- (f) *Disciplinary action.* The chief shall be subject to removal under state law. Other disciplinary action may be taken by majority vote of the city council.

(Code 1983, § 4.02)

Secs. 46-33--46-55. Reserved.

### **ARTICLE III. PROTECTION OF PERSONS AND PROPERTY COMMITTEE\***

---

\***Cross references:** Administration, ch. 2.

---

### **Sec. 46-56. Supervision and instruction.**

The protection of persons and property committee shall supervise and instruct the police department, subject to prior approval of the mayor. The city council may, however, direct the committee to act for the council in a specific matter affecting the department without prior approval of the mayor.

(Code 1983, § 4.03(1))

### **Sec. 46-57. Complaints.**

- (a) *Citizens.* All complaints regarding operation of the police department received from citizens and official sources shall be handled through the city complaint procedure. Any complaint not resolved shall be referred to the protection of persons and property committee for recommendation to the council.
- (b) *Within the department.* No complaint from a member of the department or his representative shall be considered by the committee except pursuant to any applicable collective bargaining agreement or, if there is no such agreement, or such agreement does not apply, when received in the proper chain of command. The chain of command shall be:
  - (1) Immediate superior.
  - (2) Chief of police.
  - (3) City administrator.
  - (4) Protection committee.
  - (5) City council.

A complaint not resolved at the level of command of chief of police shall be reduced to writing and forwarded to the next level of command with a written statement of the disposition of the complaint at that level of command.

(Code 1983, § 4.03(2))