

CHAPTER FIVE
POLICE DEPARTMENT

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5.0101 **Establishment**

The Police Department heretofore created for the City of Wilton 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 therein, and shall provide a jailer at all times when there is somebody incarcerated therein. He shall keep 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 orders of the Chief of Police. The Chief of Police shall have the authority to administer oaths to police officers under his supervision.

5.0104 **Rules and Regulations**

The Chief of 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.

5.0105 **Duties of Police- General**

It shall be the duty of the Police Department, and each and every member of the police force, to notice and diligently inquire into and report to the Chief of Police all violations of the city ordinances, violations of the criminal laws of the state and breaches of 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 and policeman.

Within the city limits and for a distance of one and one-half (1 ½) miles in all directions outside the city limits, the police officers watchman of the city shall perform the duties and exercise the powers of peace officers as defined and prescribed by the laws of the State of North Dakota.

5.106 **Duties of Police- Hot Pursuit- Defined**

A police officer in "hot pursuit" may continue beyond the one and one-half (1 ½) mile limit to make an arrest, in obedience to a warrant or without a warrant under the conditions of Section 29-06-15 of the North Dakota Century Code, whenever obtaining the aid of peace officers having jurisdiction beyond that limit would cause a delay permitting escape. As used in this

subsection, “hot pursuit” means the immediate pursuit of a person who is endeavoring to avoid arrest.

5.0107 Duties of Police- Service of Process, etc.

Police officers shall serve and execute any warrant, writ, process, order of notice issued to them by a municipal judge within the city in any civil or criminal action or proceeding in which the city is a party or is interested beneficially. The police, within the limits prescribed in this section, may service and execute all writs and process issued by justices in civil actions. In addition to the duties set out in this section, the police shall perform such other duties as may be prescribed by Chief of Police and governing body.

5.0108 Special Police

At the request of any corporation, firm or person, the Chief of Police may appoint one or more special policemen or policewomen to duty for such corporation, firm or person which special policemen or policewomen shall have all authority now, or which may be hereafter conferred by law upon the policemen, and may make arrangements that such special policemen or policewomen shall be paid by the corporation, firm or person requesting the same, and covered by their Workmen’s Compensation coverage in which case such special police shall receive no compensation from the city and the city shall not be responsible for the negligent or unauthorized acts, this being the responsibility of the corporation, firm or person requesting their appointment.

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 and 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, 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, stolen or abandoned property recovered in the city and shall make a report concerning such property as provided by section 3.0308 of these ordinances.

5.0204 **Traffic Administration**

The police department shall have such duties concerning enforcement, investigation, record keeping and other matters concerning traffic administration as are more fully set forth in Article 2 of Chapter 9 of these ordinances.

5.0105 **Witness Fees and Mileage of Municipal Police Officers**

Police officers of the City of Wilton shall be entitled to be paid the witness fess and mileage expenses allowed by law for other witnesses while off duty when such officers are subpoenaed to testify in actions involving the city. Said police officers shall submit vouchers for the above payment in accordance with 1.0704 and 1.0705 of these ordinances.

5.0301 **False Alarms- Interference**

No person shall give or cause to be given, or make, or place or cause to be given, any false report, call or communication of any kind to the police, or any false police alarm with intent to deceive; or tamper with or set off any police alarm or signal box with like intent; or tamper, meddle, or interfere with any such police alarm box, 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 vehicles belonging to the police department.

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, sire, 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.