

## CHAPTER 1      Police Division

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3-1-1:            **CREATION OF DIVISION.** The Police Division is hereby established as an administrative division of the City.

(Ord. 241-07-20, 7/21/2020).

3-1-2:            **CONTRACTING POLICE SERVICES.** The City may, in lieu of operating a police department, contract with another competent law enforcement agency within the state of Idaho to furnish police services to the City, provided that such contract shall be subject to the approval of a majority of the Council. Should the City determine to contract for police services, it shall be subject to the following:

- (A)    **Duties.** The contracted law enforcement agency that constitutes the Police Division shall ensure the laws of the State of Idaho and the ordinances of the City are obeyed and executed, and he shall have such other powers and duties prescribed herein, agreed in the City's contract, or granted or imposed by law.
- (B)    **Chief of Police.** The Chief of Police (as that term is used in this Code) shall be the chief administrative officer of the City's contract.

(Ord. 241-07-20, 7/21/2020).

3-1-3: **CITY'S OPERATION OF POLICE DIVISION.** Should the City determine to operate the Police Division of the City, it shall be subject to the following:

- (A) **Offices.** The Police Division shall be composed of the Chief of Police (as that term is used in this Code) and other such offices as the Mayor and Council deem necessary to preserve the peace, enforce the laws and safeguard the property and inhabitants of the City.
- (B) **Appointment of Officers and Members.** The Mayor, subject to confirmation by the Council, shall appoint the Chief of Police and all other officers and members of the Police Division.
- (C) **Chief of Police.** The Chief of Police shall be the chief administrative officer of the Division and all officers of the Division shall be under his immediate supervision, direction and control. The Chief of Police shall ensure the laws of the State of Idaho and the ordinances of the City are obeyed and executed, and he shall have such other powers and duties prescribed herein or granted or imposed by law.
- (D) **Removal of Chief of Police.** The Chief of Police may be removed, with or without cause, by the Mayor, subject to confirmation by a vote of at least three members of the Council, provided the Council may, on its own initiative, remove the Chief upon a unanimous vote of the full Council.
- (E) **Police Officers.** All police officers shall be subject to the direction of the Mayor, Council and Chief of Police. All police officers shall perform all duties of policemen, preserve order and peace, ensure all laws are enforced, and carry out the lawful instructions of the Chief in all matters pertaining to the enforcement of laws and the protection of persons and property within the City.
- (F) **Reports.** All police officers shall report to his or her immediate supervisor every violation of law observed while on duty. If any police officer uses force by gun, club, fist, weapon of any kind or uses physical force in any manner upon any person, the officer shall immediately report the same in writing to the Chief of Police or the commanding officer on duty. Such report shall detail the time, place and circumstances, and the necessity for the use of such violence, and the identities of any persons present at the time.
- (G) **Conduct of Police Officers.** All police officers on duty shall refrain from drinking any spirited liquor, wine, beer or any intoxicating beverage, nor shall any officer perform any duty of their office while in an intoxicated condition; nor shall they, whether on or off duty, violate any laws or ordinances of the City, the State of Idaho or the United States, or conduct themselves in any manner which brings disrespect to the City or the Police Division.
- (H) **Compensation.** The compensation of the Chief of Police and all officers of the Police Division shall be determined by the Council.
- (I) **Removal of Police Officers.** Any officer who neglects or refuses to report any violation of law by any other officer of the police force, or who fails to observe the rules or

regulations of the Police Division or the Civil Service Commission, may be removed from office. Such removal shall be in accordance with the Civil Service laws, ordinances, and rules and regulations.

- (J) **Duties of Chief Regarding Unlicensed Businesses.** The Chief of Police shall enforce all laws and ordinances pertaining to the licensing of any business, occupation or enterprise in the City.
- (K) **Oath of Officers.** The Chief of Police and every police officer before entering upon his or her duties shall subscribe to the official oath set forth in Chapter 9, Title 1 of this Code.
- (L) **Outside Employment.** No member of the Police Division shall engage in any other employment or undertaking which will interfere with the performance of his or her duties or which will bring disrespect upon the City or the Division. Before engaging in any outside employment or undertaking, all members of the Division shall obtain the written approval of the Mayor.

(Ord. 241-07-20, 7/21/2020).

3-1-4: **ARRESTS.** A police officer may make an arrest in obedience to a warrant of arrest delivered to him, or may, without a warrant, arrest a person as permitted by Idaho Code section 19-603 or in any other manner allowed by the laws and Constitution of the State of Idaho.

(Ord. 241-07-20, 7/21/2020).

3-1-5: **APPOINTMENT OF SPECIAL POLICE OFFICERS.** The Mayor may appoint special police officers to serve during a limited period and they shall conform to all of the rules and regulations as regular police officers, except that they need not be in uniform. Upon such appointment and their subscription to the official oath, such special officers shall have all authority to act as peace officers, under the provisions of this Chapter, provided, however, in no event shall such appointment be for a period greater than one (1) year.

(Ord. 241-07-20, 7/21/2020).

3-1-6: **UNCLAIMED PERSONAL PROPERTY.** The Chief of Police and officers of the Police Division may take possession of any automobile, bicycle, wagon or other conveyance, machine, implement or other item of personal property found deserted and unclaimed for a period of twenty-four (24) hours upon the streets or public property of the City. The Chief of Police and any officer of the Police Division may take possession of any real personal property left or found upon private property when the ownership is unknown, when requested to do so by the owner of such real property.

(Ord. 241-07-20, 7/21/2020).

3-1-7: **RECORD OF UNCLAIMED PROPERTY.** All unclaimed property taken into possession shall be listed in a book with the following information:

- (A) Place where found or taken possession of;
- (B) Description of the article;
- (C) Name of officer taking possession of the article;
- (D) Date of taking possession;
- (E) The identity, address and telephone number of the person reporting the property as abandoned.

(Ord. 241-07-20, 7/21/2020).

3-1-8: **ADVERTISEMENT AND SALE OF UNCLAIMED PROPERTY.**

- (A) **Duty to Advertise and Sell.** The Chief of Police may advertise and sell at public auction any unclaimed article of personal property but only if any unclaimed bicycle has been held for a period of at least ninety (90) days, any unclaimed personal property with a fair market value of less than twenty five dollars (\$25.00) has been held for a period of at least thirty (30) days, and any other unclaimed personal property has been held for a period of at least six (6) months. Such sales shall be in accordance with the provisions of this Chapter.
- (B) **Notice of Sale.** A Notice of Sale shall be published at least once a week for not less than two (2) consecutive weeks in the official newspaper, with the second publication being not less than five (5) nor more than ten (10) days before the date of the sale. Whenever the Police Division knows the name and address of the owner or other person entitled to possession of any article to be sold at such sale, a copy of the notice of sale shall also be mailed to such owner or other person entitled to possession at his or her last known address, postage prepaid, at least five (5) days prior to such sale.
- (C) **Conduct of Sale.** The sale shall be by public auction for cash, lawful money of the United States of America. The Chief of Police may determine the number of items to be sold at the sale and may determine whether these items are sold singly or in lots. The Chief of Police, upon request, shall give or cause to be given a bill of sale to the highest bidder upon payment of the amount bid. All goods shall be sold as is and without warranty of title, merchantability, fitness, or other express or implied warranty of any kind or nature.
- (D) **Proceeds.** The proceeds of sale shall be applied first to all costs assessed or incurred against the personal property so sold including any storage charges and expenses of sale incurred by the City Clerk and the Police Division, and the balance of such proceeds, if any, shall be deposited in a separate fund with the City Treasurer for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such proceeds by

reason of ownership of such personal property at the time of sale shall make written application therefor to the Police Division. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the date of the receipt of the proceeds, the same shall be credited to the general fund of the City, and no claim therefor shall be thereafter considered.

(Ord. 241-07-20, 7/21/2020).

3-1-9:           **REIMBURSEMENT TO OWNER.** If the owner of any article held under the provisions of this Chapter, appears prior to the time of such sale and makes proper proof of ownership, the Chief of Police shall deliver possession thereof to the owner upon payment of any storage costs therefor. The Chief of Police shall from time to time prepare a uniform schedule of reasonable storage charges for such articles, which schedule shall be filed with the City Clerk and at the office of the Police Division.

(Ord. 241-07-20, 7/21/2020).

3-1-10:           **EXTRATERRITORIAL POWERS.** All police officers may exercise, to the fullest extent permitted by law, all extraterritorial authority conferred upon them pursuant to Idaho Code Section 67-2337, may make arrests and issue citations while in fresh pursuit of any person who has violated any state law or City ordinance, and shall aid and assist the Mayor in enforcing any extraterritorial powers or authority as set forth in this Code.

(Ord. 241-07-20, 7/21/2020).