

Chapter 46 LAW ENFORCEMENT*

***Cross reference(s)**--Administration, ch. 2; emergency services, ch. 22; offenses and miscellaneous provisions, ch. 54; traffic and vehicles, ch. 92.

ARTICLE I. IN GENERAL

Secs. 46-1--46-30. Reserved.

ARTICLE II. POLICE DEPARTMENT*

***Cross reference(s)**--Departments, § 2-91 et seq.

State law reference(s)--Law enforcement officer employment standards, MCL 28.601 et seq.

DIVISION 1. GENERALLY

Sec. 46-31. Composition; appointment and oath of members.

(a) The police department shall consist of a chief of police, to be appointed by the city manager, and one or more captains, lieutenants, sergeants, secretaries, clerks, and such number of police officers with pay and such number of special police, guards, and security guard supervisors with or without pay as shall be deemed necessary by the chief of police, to be appointed by the chief of police with the approval of the city manager. All new members of the department, except secretaries and clerks, must be sworn in and take an oath of office.

(b) Throughout this Chapter, the title of "chief of police" or "police chief" may be used interchangeably and shall be meant to include the title of director of public safety.

(Code 1975, § 15-1; Ord. No. 2127, 3-23-2004)

Charter reference(s)--Appointment authority of city manager, ch. III, § 2; authority of city to create departments, ch. V, § 5.

Sec. 46-32. Officers enumerated; rank.

(a) The officers of the police department shall rank as follows:

First--Chief

Second--Assistant chief

Third--Captains

Fourth--Lieutenants

Fifth--Sergeants

Sixth--Police officers

- (b) Detectives shall be ranked as officers enumerated in this section, and shall have no separate rank by virtue of being designated as detectives. The situation in a case may require detectives to exercise command responsibilities regardless of rank.

(Code 1975, § 15-2)

Sec. 46-33. Sale of impounded vehicles.

Any vehicle impounded by seizure under any city ordinance may, after one month from date of seizure, be sold by the police department, either at private or public sale, to the highest bidder, after first giving the owner of the car, as is shown to be in the office of the secretary of the state in which the car is licensed, on the day of seizure, a notice of seizure and proposed sale, in writing, delivered in person or sent by first-class mail addressed to such person at the owner's place of business or residence as shown in such secretary of state's office.

(Code 1975, § 15-3; Ord. No. 2158, 8-23-05)

Sec. 46-34. Schedule of fees for services of noncriminal nature.

- (a) The chief of police shall fix a schedule of fees which shall be charged for services supplied by the police department of a noncriminal nature such as the preparation of fingerprint cards and the supplying of accident report.
- (b) In addition to any fees charged by the police department, it shall also collect any direct expense it will incur, if any, in providing the service.
- (c) All fees charged by the police department shall be reasonable in relation to the services included and shall be deposited in the general fund of the city.

(Code 1975, § 15-5)

Secs. 46-35--46-50. Reserved.

DIVISION 2. DEPARTMENTAL POLICIES AND RULES

Subdivision I. In General

Sec. 46-51. Application.

The rules and regulations set out in this subdivision and the following subdivisions of this division shall govern the police department.

(Code 1975, § 15-15)

Sec. 46-52. Members to be familiar and comply with article and chief's rules and regulations.

All members of the police department shall thoroughly familiarize themselves with the provisions of this division, and shall conduct themselves at all times in

accordance with this division and in obedience to all rules and regulations prescribed and promulgated by the chief of police.

(Code 1975, § 15-16)

Sec. 46-53. Outside business activities of members and employees.

Members and employees of the police department shall devote their whole time and attention to the service of the department, except as provided in this section. During their off-duty hours, members and employees of the police department may engage in outside business activities so long as the latter in no way impairs or affects their efficiency or interferes with the performance of their official departmental duties. When engaged in such outside activities, members and employees of the police department shall file with the chief of police, a written notice of the character of work engaged in and the place where engaged, and they shall make themselves available and be prepared, at all times, to respond immediately on call if their services are required by the department. It shall be the duty of the chief of police to determine whether such outside activities of any member of the department is impairing or affecting his efficiency or interfering with his official duties, and if so, such member shall be required to discontinue such activity. Members may engage in work for other city departments whenever authorized by the chief of police.

(Code 1975, § 15-17)

Secs. 46-54--46-70. Reserved.

Subdivision II. Chief of Police

Sec. 46-71. Director of department.

The chief of police shall be the director of the police department subject to the rules and regulations of this division, and shall devote his full time and attention to the management of the department.

(Code 1975, § 15-24)

Sec. 46-72. Government of department; instruction of members.

The chief of police shall be responsible for the government, efficiency and general good conduct of the police department, and shall supervise the instruction of the members of the department in their duties.

(Code 1975, § 15-25)

Sec. 46-73. Rules and regulations generally; role with respect to grievances and conduct of members.

- (a) The chief of police shall have the power to prescribe, promulgate and enforce rules and regulations for the government of the members and employees of the police department, which shall be approved by the city manager and filed with the city clerk, the city manager and the civil service commission. Each member of the department then shall be assumed to have knowledge of and shall become

subject to such rules.

- (b) All grievances, disputes and other controversies in which a member of the police department may be involved shall be first directed or brought to the attention of the chief of police for investigation and disposition, and no such matter shall be referred to, or given attention by, any other authority, unless such matter has been so brought to the attention and disposition thereof made by the chief of police. Observance of this rule by all members of the department at all times being deemed essential to the discipline of the members and the satisfactory conduct of the work of the department, violation of this rule shall be cause for immediate suspension of a member offending in such regard. No member shall report to anyone, other than the chief of police, upon the conduct, department or efficiency of any member or employee of the department, and it shall be the sole duty of the chief of police to make reports upon or reply to questionnaires regarding the conduct, department or efficiency of any member or employee of the department.

(Code 1975, § 15-26)

Sec. 46-74. Duty to enforce laws, procure evidence, keep prosecutors informed.

It shall be the duty of the chief of police to cause the public peace to be preserved and to enforce the laws of the state, the ordinances of the city and the rules of the city manager and the city commission, of all of which the police department takes cognizance. Whenever any violation thereof shall come to his knowledge, the chief of police shall cause the requisite complaint to be made and procure the evidence for the successful prosecution of the offender. The chief of police shall keep the city attorney and the prosecuting officers of the county informed of all matters that pertain to their several offices.

(Code 1975, § 15-27)

Sec. 46-75. Appointment and punishment of members.

The chief of police shall make all appointments in the police department subject to the confirmation of the city manager, following certification of the eligible person by the civil service commission, except that emergency appointments may be made for a period not exceeding 60 days. The chief of police may punish, by discipline, demotion, fine, suspension or dismissal, any member of the department who shall be guilty of any violation of the rules and regulations of the department. The chief of police shall immediately, in writing, notify the city manager and civil service commission of his action, specifying the offense and the reason for such punishment, and further report to the city manager and civil service commission, in writing, all violations of the rules and regulations or disobedience of orders, as prescribed in this division, by the members and employees under his command.

(Code 1975, § 15-28)

Sec. 46-76. Duty to keep records and make reports.

The chief of police shall cause to be kept such books and records as may be specifically required by ordinance and shall report to the city manager semiannually the

number of arrests and convictions made during such time, together with the causes of arrests made, and the chief of police shall give such other information to the city manager as may be required from time to time. The chief of police shall also cause to be made and kept such other books and records of the proceedings of the department as he may deem necessary.

(Code 1975, § 15-29)

Sec. 46-77. Custody of all department property.

The chief of police shall have the custody and control of all books, records, machines, tools, implements, apparatus or equipment of every kind necessary for use in the police department, and of all public property pertaining thereto.

(Code 1975, § 15-30)

Sec. 46-78. Written orders.

The chief of police shall give all important orders in writing and keep a record of such written orders, and it shall be the duty of the entire force to render to him and his orders, either written or oral, unquestioned obedience. All such orders must be in conformity with the law and the rules and regulations of this division.

(Code 1975, § 15-31)

Sec. 46-79. Duty to report incompetency or resignation of department member.

The chief of police shall promptly report to the city manager and civil service commission any officer or member or employee of the police department who, by reason of age, disease, accident or other incompetency, does not or cannot fully, energetically, promptly and properly perform his full duty. The chief of police shall report in writing the resignation of any member of the department or notice of intended resignation, transmitting such report to the city manager and civil service commission.

(Code 1975, § 15-32)

Sec. 46-80. Power to detail members.

The chief of police shall have the power to detail any member of the police department to perform any service at any time if the good of the department shall so demand.

(Code 1975, § 15-33)

Sec. 46-81. Power to make rules pertaining to release on bond of persons arrested without warrant.

The chief of police is hereby authorized to make such rules and regulations as shall be necessary for the release, on bond, of persons arrested without a warrant for the violation of any city ordinance, in keeping with the provisions of Public Act No. 44 of 1961 (MCL 750.581 et seq.).

(Code 1975, § 15-34)

Secs. 46-82--46-100. Reserved.

Subdivision III. Secretary

Sec. 46-101. Duties.

The secretary of the chief of police shall have supervision of the clerical force in the police department subject to the orders of the chief and shall be responsible for the proper and efficient performance of all duties and services required of the clerical force and the general good order of the clerical force. The secretary shall have such regular hours of duty as are prescribed, shall keep such books and records as may be designated including the preparation of the department payroll, the compilation of monthly and annual reports and general statistics of the department, conducting the department correspondence, the auditing of department bills, the issuing of requisitions for the purchase of supplies and the making of repairs as directed by the chief of police, and shall perform any other duties as required by the chief of police.

(Code 1975, § 15-96)

Secs. 46-102--46-120. Reserved.

Subdivision IV. School Crossing Guards

Sec. 46-121. Duties; identifying clothing; signs.

- (a) When school crossing guards are assigned, they shall be stationed at school crossings during the times of day designated by the superintendent of the school district and the chief of police.
- (b) When on duty, a school crossing guard shall wear an outer vest of a color and style meeting the standards of the state manual of uniform traffic control devices. The school crossing guard shall also hold a stop sign which conforms to the state manual of uniform traffic control devices for handheld signs.
- (c) When the school crossing guards are assigned at designated school crossings, warning signs shall be erected in conformance with the state manual of uniform traffic control devices.

(Code 1975, § 15-97)

Sec. 46-122. Selection; training; supervision.

- (a) School crossing guards shall be selected, trained, and supervised by the city police department.
- (b) School crossing guards shall receive not less than four hours of instruction in job-related matters before assuming duties and four hours of annual review thereafter.

(Code 1975, § 15-98)

Sec. 46-123. Failure to obey signal as violation; presumption.

- (a) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic ordinances of the city, unless otherwise directed by a police officer.
- (b) The driver of a motor vehicle who fails to stop at a school crossing when a school crossing guard is in the crossing and is holding the stop sign in an upright position visible to approaching vehicular traffic, is guilty of a violation of subsection (a) of this section.
- (c) In any proceeding for a violation of subsection (b) of this section, proof that the particular vehicle described in the citation, complaint or warrant was in violation of subsection (b) of this section, together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(Code 1975, § 15-99)

Secs. 46-124--46-150. Reserved.

ARTICLE III. JUNK OR ABANDONED PROPERTY*

***Cross reference(s)**--Junk vehicles, § 92-51 et seq.

Sec. 46-151. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means any property that does not have any fair market value or worth.

Notice means a notice the police department must send by first class mail to any known legal owner of property of major value to the last known address of record. The notice shall contain the following information:

- (1) The date the property was found;
- (2) The type of property found;
- (3) The address where the property is located;
- (4) The cost of storage per day, if any;
- (5) A statement that the property must be claimed within six months from the date of the letter or the property shall be considered abandoned and disposed of under the provisions of this section;
- (6) The name of the law enforcement agency, the address and the telephone number where the legal owner can obtain the property.

Property of major value means any property whose fair market value exceeds the total cost of preparing a property report, plus the costs of storage and disposition.

Property of minor value means any property whose fair market value is less than the total cost of preparing a property report, plus the costs of storage and disposition.

(Code 1975, § 15-6)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 46-152. Disposition of stolen, lost and abandoned property.

- (a) All property of major value shall be returned to the legal owner when the police department is reasonably satisfied of that ownership. If the legal owner is not located, after six months from the date the police department takes possession of the property, the property shall be disposed of pursuant to section 46-153.
- (b) All property of minor value shall be returned to the legal owner when the police department is reasonably satisfied of that ownership. If, after three months, the property has not been claimed by the legal owner, the property may be disposed of in any manner by the police department.
- (c) Stolen, lost or abandoned property that is determined to be junk may be disposed of in any manner by the police department.

(Code 1975, § 15-7)

Sec. 46-153. Disposition of unclaimed property.

- (a) Property of major value that is not claimed as provided under section 46-152 shall be disposed of by the police department as follows:
 - (1) Retain the property for use by the police department or any other city department.
 - (2) Sell the property at a public sale pursuant to section 46-154 and deposit the money from the sale with the city treasurer to the credit of the city's general fund.
 - (3) Release the property to a charitable organization as defined in section 2 of Public Act No. 169 of 1975(MCL 400.272).
- (b) Any police officer disposing of property in the manner provided in this article shall not be liable to the owner thereof.

(Code 1975, § 15-8)

Sec. 46-154. Sale.

- (a) The police department shall publish notice in a newspaper of general circulation at least five days before the sale. The notice shall describe the property, including money, it shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of sale, the property, including money, may be claimed at the police office. If ownership is proved, the department shall turn the property, including money, over to the owner and cancel the sale insofar as the claimed property is concerned.
- (b) The police department shall conduct such sale and shall deposit the proceeds of

the sale, after deducting the costs of the sale, with the city treasurer to the credit of the city's general fund.

- (c) If, within six months after the sale, the owner prior to sale of the property, including money, files with the police department a claim for the property, including money, and proves his right to the property, the police department shall direct the city treasurer to pay the money or the amount received for the property to the owner prior to sale. The police department shall not approve any claims filed more than six months after the sale.

(Code 1975, § 15-9)