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CHAPTER 1 – IN GENERAL

SECTION 9-101 ESTABLISHMENT; PURPOSE; SUBJECT TO AUTHORITY OF THE MAYOR

The governing body of the Town of Pratt in order to protect person and property within the Town, to preserve law and order therein, and to enforce therein the criminal

laws of this state and of this Municipal Code, does hereby establish the Pratt Police Department, hereafter known as the Municipal Police Department.

It is also established that the Municipal Police department is subject to the control and authority of the Mayor. The governing body shall also provide all necessary equipment to maintain such a police department.

CHAPTER 2 – ORGANIZATION

SECTION 9-201 QUALIFICATIONS

All members of the Municipal Police Department shall be residents of the State, not less than eighteen (18) years of age, of sound mind, of good moral character, and shall be required to pass any examination the governing body may deem necessary. No person shall be barred from employment with the Municipal Police Department because of his race, color, creed, national origin, sex, religion or political conviction.

SECTION 9-202 PHYSICAL EXAMS

All applicants for positions in the Municipal Police Department shall submit to a physical examination by a physician licensed in this State, said physical examination to be paid for by the applicant. Written certification of the applicant's good health must be submitted to the governing body before his employment can commence.

SECTION 9-203 APPOINTMENT OF POLICE OFFICERS

Members of the Municipal Police Department shall be appointed by the Mayor, subject to prior approval of the governing body.

SECTION 9-204 OATH

All members of the Municipal Police Department, before entering upon the discharge of their duties, shall take and subscribe to an oath, which shall be in the form and effect as follows:

State of West Virginia

Town of Pratt to-witt: I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the Municipal Code of the Town of Pratt, and I will honestly and faithfully perform the duties imposed upon me under the provisions of law as a member of the Municipal Police Department, to the best of my skill and judgment.

All such oaths shall be filed and preserved in the office of the Municipal Police Department.

SECTION 9-205 CHIEF OF POLICE

The office of the Chief of Police is hereby established. The Chief of Police shall serve as the executive and administrative head of the Municipal Police Department. He shall be responsible to the Mayor and the governing body for the general administration of his department and shall make monthly written reports to the Council concerning the conduct of his office.

He shall prepare the annual budget estimate for the Police Department and submit it the governing body through the Mayor. He shall see to it that all fees and other money collected by members of the Police Department are promptly turned over to the Municipal Recorder or otherwise disposed of according to law. He shall be responsible for the training, discipline and morale of the members of the Police Department and for their effective and efficient performance of duty.

He may also advise the Mayor and the governing body as to the appointment of additional members to the Municipal Police Department.

SECTION 9-206 CHAIN OF COMMAND, OBEDIENCE TO ORDERS

The chain of command shall be the Mayor, Chief of Police, and other members of the Police Department according to rank and seniority within rank; and all members of the Police Department shall faithfully obey all lawful orders of their superiors in the chain of command.

SECTION 9-207 SPECIAL POLICE

The Mayor, at his discretion and subject to the approval of the governing body, may appoint special police officers whenever the fund are available to do so. Such special police may include but are not limited to, school zones, parking lots or parking building officers. In performing their duties, special police shall be vested with the powers and duties described in Chapter 3 of this Title. They shall also be subject to the qualifications listed under Section 9-201 of this Title.

SECTION 9-208 SUSPENSION; DEMOTION; DISCHARGE; APPEAL

No member of the Police Department shall be removed, discharged, suspended, or reduced in rank or pay except for just cause, which shall not be religious or political, except as provided for in Chapter 8, Article 14, Section 19 of the West Virginia Code, and no such member shall be removed, discharged, suspended, or reduced in rank except as provided for by the provisions in Chapter 8, Article 14, Section 20 of the West Virginia Code.

CHAPTER 3 – POWERS AND DUTIES

SECTION 9-301 GENERAL POWERS AND DUTIES

The Chief of Police and any member of the Municipal Police Department shall have all the powers, authority, rights and privileges within the corporate limits of the Municipality with regard to the arrest of persons, the collection of claims, and the execution and return of any search warrant, warrant of arrest or other process, which can legally be exercised or discharged by the sheriff of the county. In order to arrest for the violation of municipal ordinances and as to all matters arising within the corporate limits and coming within the scope of his official duties, the powers of the Chief of Police and any member of the Municipal Police Department shall extend anywhere within the county in which the Municipality is located, and any such Chief of Police or member of the police department shall have the same authority of pursuit and arrest beyond his normal jurisdiction as has a sheriff.

It shall be the duty of the members of the Municipal Police department to enforce the criminal laws of the State within the municipality and all municipal ordinances and to cause the arrest of or arrest any offender and take him before the Town Court in order to be dealt with according to the law.

Members of the Municipal police Department shall patrol the Town and its parking areas and shall assist the Town Court during trials. They shall also serve any legal process issued by the Town court promptly. Failure of a member of the Municipal Police Department to discharge any duty imposed by this Section shall be deemed official misconduct for which he can be removed from office.

SECTION 9-302 MEMBERS OF POLICE DEPARTMENT TO WEAR UNIFORMS AND BE ARMED

The members of the Municipal Police Department shall have the power and authority to carry a service pistol and billy club while on duty unless otherwise expressly directed by the Chief of Police for a special assignment. All members of the Police Department shall also have the authority to wear such uniform and badge as the governing body may prescribe.

SECTION 9-303 DUTY OF POLICE OFFICERS TO RESPOND TO FIRE ALARMS AND ASSIST THE FIRE DEPARTMENT

Within the corporate limits of the Town of Pratt, it shall be the duty of the Municipal Police Department, as practicable, to designate a certain officer(s) to respond to fire alarms and assist the fire department in the protection of life and property of the citizens, and property of the fire department, and in controlling traffic and maintaining order. An exception to the above will be made when METRO (Metro Emergency Operations Center) calls a request to a Pratt Officer to also respond for reasons other than fire, as outlined in the Standard Operating Police Procedures.

SECTION 9-304 WHEN A POLICE OFFICER CAN MAKE AN ARREST

Unless otherwise authorized or directed by this Code or applicable law, an arrest of a person by a police officer shall be made in the following cases:

- (1) Whenever he possesses a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the police officer has reasonable cause to believe the person has committed it.

SECTION 9-305 OFFICER MAY REQUIRE ASSISTANCE IN MAKING AN ARREST; PENALTY

Whenever it is reasonably necessary to effectuate an arrest, a member of the police department may request the aid of any person. It shall be unlawful for a person to willfully refuse such aid, and upon conviction shall be subject to a fine of not more than \$50.00 dollars.

SECTION 9-306 DISPOSITION OF ARRESTED PERSONS

Unless otherwise authorized by law, when any person is arrested for an offense, he shall be brought before a court of competent jurisdiction for immediate trial or allowed to post bond. When the person is intoxicated, however, the police officer is hereby authorized to arrest him and hold him in custody until a complaint may be made before a county magistrate and warrant issued.

SECTION 9-307 INTERFERENCE WITH OFFICER; REFUSING TO GIVE INFORMATION; PENALTY

Any person who shall at any time, intercept, molest, or interfere with a member of the Municipal Police Department, while on duty, or shall refuse upon request to give any such police officer any information possessed by him relating to any offense committed or about to be committed, shall be guilty of a misdemeanor. Provided that nothing in this section shall be construed to require a person to give information tending to incriminate himself or the husband or wife of such person.

SECTION 9-308 POLICE DEPARTMENT RECORDS

It shall be the duty of the Municipal Police Department to keep a comprehensive and detailed daily record, in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.

- (2) All arrests made by police officers.
- (3) All police investigations made and all other miscellaneous activities of the Municipal Police Department.

CHAPTER 4 – LIMITATIONS ON OFFICERS

SECTION 9-401 RETIRED MEMBERS NOT TO EXERCISE POLICE AUTHORITY

A member who has been or shall be retired shall not, while in retirement, exercise any of the powers conferred upon active members.

CHAPTER 5 – POLICE PROTECTION FEE

SECTION 9-501 POLICE PROTECTION FEE

There is hereby levied against each head of household or the governing body of each school or church located within said Town a monthly charge of Three Dollars (\$3.00) for such services as there is hereby levied against each proprietor of a business establishment located within said Town a monthly charge of Five Dollars (\$5.00) for such services.

The person or corporation in whose name the eater meter is registered shall be deemed to be the “head of household”, “proprietor” of such business establishment or “governing body” of such school or church for the purposes of this Ordinance.

Upon all charges not paid in full within ten (10) days of the date of the bill, ten percent (10%) shall be added to the charge.

- (a) Police protection service charge provided for in the above section shall be payable to the Town Recorder and shall be collected from each user each month in conjunction with the water bill.
- (b) Service charge due under this Ordinance shall be a debt due the Town of Pratt. The Town may collect the service charges and all approved penalties by action against the user of the services against whom the service charge has been levied by action brought before any of the Magistrate Courts of Kanawha County, West Virginia, or by action or other appropriate proceedings in the Circuit Court of Kanawha County, West Virginia.
- (c) All monies received from the collection of the charges herein imposed shall be used only for continuance, maintenance or improvement of the essential or special services of police protection within and for the Town of Pratt, and no part of said money shall be used for any other municipal purpose.

(d) The provisions of this ordinance shall be separable, and if any part thereof shall be adjudged invalid by a Court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.