

CHAPTER 20
POLICE DEPARTMENT

*1 Powers to arrest and how made, see U.C.A., 1953, as amended, Sections 77-13-1 and 77-14-2. As to impersonating an officer, see Section 16-41 of this Code. As to resisting or obstructing an officer, see Section 16-42. As to notice to police department of planned excavation in streets, see Section 24-35.

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Section 20-1. Appointment of Chief of Police; powers and duties generally; Special Policeman.*2

On or before the first Monday in February following a municipal election, there shall be appointed by the mayor, subject to confirmation by the Council, a Chief of Police. He shall, in the discharge of his duties, have like powers and be subject to like responsibility as sheriffs and constables in similar cases. He shall suppress riots, disturbances and breaches of the peace and apprehend all persons committing any offense against the laws of the state or the ordinances of the city. He shall at all times diligently and faithfully discharge his duties and enforce all ordinances and regulations of the city of for the preservation of peace and good order and the protection of the rights and property of all persons. He shall, under the direction of the Council, direct and control the Police of the City and, whenever the interests of the city demand, by and with the consent of the Mayor, he shall appoint such number of Special Policemen as may required and perform such other duties as may be prescribed by ordinance. He shall at the request of the Mayor attend meetings at the City Council; he shall have charge of the city prison, police quarters and furniture and appurtenances thereunto belonging and cause the same to be kept in good order; execute all orders of the Mayor and City Council. He is the Chief Of Police and all Policemen are subordinate to him, and, must obey all reasonable and lawful commands made by him. (R.O. 1955, Sections 14-1 - 14-4, 10-32 and 10-33.)

*2 For similar state law, see U.C.A., 1953, Sections 10-6-65, 10-6-68, and 10-6-30. As to report to council after receiving application for license for coin-operated amusement devise, see Section 13-56 of this code. As to curfew, see Section 16-48.

Section 20-2. Register of Arrests.

The Chief of Police shall provide and cause to be kept in the police headquarters in the City Hall a register of all arrests upon which shall be entered a statement showing the date and hour of such arrests, the name of he person arrested, the offense charged and description of any property found on the person arrested. (R.O. 1955, Section 14-5).

Section 20-3. Regulations of Police Department.

The Chief of Police is authorized with the approval of the Mayor and City Council to make all needful regulations not inconsistent with the ordinances of the city or general laws for the government and control of the Police Department; and the Chief of Police must report to the Mayor any violation of such rules or the ordinances by any Policeman. The Chief of Police may, be and with the advice and consent of the Mayor, appoint Special Policemen on holidays or such other time as in his judgement it becomes necessary. (R.O. 1955, Section 14-7.)

Section 20-4. Jail. *3

It shall be the duty of the Chief of Police to take charge of the city prison, to cause the same to be warmed and lighted when it shall be necessary and kept clean and in proper order. He shall have the custody of the inmates thereof and shall see to feeding and otherwise caring for the same. He shall furthermore see that all rules for the comfort of the prisoners are carried into effect. He shall keep a book in which shall be entered the day and the hour of receiving a prisoner and the day and hour of his release. He shall, with the mayor, make all needful rules and regulations not inconsistent with the ordinances of the city for the comfort and control of the jail. (R.O. 1955, Sections 14-10, 14-14 and 20-4.)

*3 As to power of city to establish and maintain jail, see U.C.A., 1953, Section 10-8-58.

Section 20-5. Appointment of Police Officers.

The Mayor, by and with the consent of the City Council, may from time to time appoint such number of policemen as shall be necessary for the good government of the City. (R.O. 1955, Section 14-8.)

Section 20-6. Powers and duties of Police. *4

Police officers of the city must diligently and faithfully perform the duties imposed upon them by law, and the provisions of this code, and such duties as are usually performed by Police Officers.

All Police Officers of the city shall possess the powers conferred upon constables by law. It shall be the duty of the members of the Police Department at all times to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression of offenses and perform all duties enjoined upon them by ordinance.

They shall have the power and authority, without process, to arrest and take into custody any person whom they shall have probable cause to believe committed or threatened or attempted to commit any breach of the peace or any offense directly prohibited by the laws of this state or by an ordinance. They shall serve all processes issued by the City Justice Of The Peace, to them directed, and see that all orders and judgments of said court are carried into effect; they shall diligently inquire into all violations of the city ordinances that come to their attention or of their knowledge and shall enter complaint before the proper court against all persons whom they have cause

to believe guilty of such violation. They shall cause to be abated any nuisance found within the limits of the city; the Chief Of Police shall keep a correct account in a book provided for that purpose of all moneys which may, by virtue of his office, come into his hands, stating from whom and on what account received and pay into the city treasury monthly all monies in his hands belonging to the city or which by law are required to be paid into the treasury. (R.O. 1955, Sections 14-2, 14-3, 14-6 and 14-9.)

*4 For similar state law, see U.C.A., 1953, Sections 10-6-66 and 10-6-67.

As to impounding animals running at large, etc., see Section 4-11 of this code. As to authority and duties of Police Department with respect to cabarets, see Sections 6-4 and 6-7 As to duty of police at fires, see Section 10-13, as to duty to make investigations requested by board of health, see Section 12.

Section 20-7. Bail Commissioners.

The Mayor, by and with the consent of the Council, may appoint from among the officers and members of the Police Department one or more discreet persons to be known as Bail Commissioners, who shall have and exercise all the powers which are now or hereafter may be conferred by law upon Justices of the Peace or Judges of the City Court in respect to the fixing of bail of persons arrested within the corporate limits of the city for misdemeanors under the laws of the state, of for violation of the City Ordinances, and to the taking and the approving of the same. Any person who has been ordered by any such Bail Commissioner to give bail may deposit the amount thereof with such Bail Commissioner.

The Bail Commissioners shall have power on non-judicial days, and after the hour of 5:00 P.M., and before the hour of 9:00 a.m. on judicial days to collect and receipt for moneys tendered in payment of the fine of any person serving a sentence in default of the payment of such fine. All monies collected by Bail Commissioners shall be accounted for at least once a month to the Clerk of the City Court or in cases arising under state laws to the City Treasurer.

Bail Commissioners shall serve at the pleasure of the Mayor and shall receive no compensation as such. Before entering upon their duties as Bail Commissioners, they shall take and subscribe an oath to faithfully and impartially discharge the duties of their office, and shall give bond to the city, with two good and sufficient individual sureties or with a single corporate surety, to be approved by the Mayor, which bond shall be in the sum of \$2,500 conditioned for faithful performance of their duties as such Commissioners, and that they will well and truly account for and turn over to the Clerk of the City Court, or to the City Treasurer, as the case may be, at such times as may be designated by the Council, all monies, bonds, property and records coming into their hands as such Commissioners, and that at the expiration of their term of office they will surrender and turn over as for said all funds, bonds, property, papers and records then in their hands pertaining to their respective offices. Suit upon any such bond may be brought by any county, city or person injured.

*5 For similar state law, see U.C.A., 1953, Section 10-6-70 to 10-6-72.

Section 20-8. Abatement of nuisance. *6

The Chief of Police shall cause to be abated or removed any nuisance found within the

limits of the city. (R.O. 1955, Section 14-6.)

*6 As to power of city to abate nuisance, see U.C.A., 1953, Section 10-8-60.

Section 20-9. Prisoner to Labor.

Whenever any person is sentenced to imprisonment for violation of any City Ordinance and such person is required by the judgement of the court to labor, such labor shall be performed under the direction of the Chief Of Police. The person so required to labor shall be allowed two days credit for each day's work.

Section 20-10. Refusal to assist police.

It shall be unlawful for any person to refuse, when called upon by the Chief Of Police or any other officer of the city, to aid in arresting or securing an offender.

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