

Chapter 17

Law Enforcement

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Article I, In General

Sec. 17.01 Establishment and Composition of Police Department.

The Town shall have and maintain a police department to provide law enforcement services for the preservation of order within the Town. The police department shall consist of a chief law enforcement officer (or police chief) and such number of other law enforcement officers as may be necessary and proper to protect the good order of the Town and to implement the provisions of this chapter.

The chief law enforcement officer shall be appointed by the Town Council. The chief law enforcement officer shall be in charge of the operation of the entire department and shall be accountable to the Town Administrator for the police department's operation in accordance with laws otherwise applicable. The chief law enforcement officer shall have the authority to hire such personnel in such positions as provided for in the police department's budget as approved by the Town Council.

All law enforcement officers shall be subject to the supervision and control of the chief law enforcement officer and shall perform such general and special duties as required and directed by the chief law enforcement officer, subject to the oversight of the Town Administrator.

Article II, Powers and Duties

Sec. 17.10 Powers Generally.

Law enforcement officers shall be invested with all the powers of constables within the corporate limits of the Town.

Law enforcement officers also shall be empowered to carry out all duties assigned to them either by statute, ordinance, resolution, directive, rule or regulation as is necessary to protect the good order of the Town.

In addition to any other duties and functions prescribed by ordinance, the police department shall provide protection for persons and property against unlawful acts; provide law enforcement patrol services in all areas of the Town; investigate crimes; apprehend, arrest, and assist in the prosecution of perpetrators of crimes; and maintain an active crime prevention and control program.

Sec. 17.11 Power to Arrest.

Law enforcement officers shall be empowered to arrest, apprehend and prosecute any person who, within the corporate limits of the Town, violates the laws of this state or exhibits any conduct which may be disorderly, indecent or dangerous to the good order of the Town.

Sec. 17.12 Power to Require Assistance.

Law enforcement officers shall be empowered to call upon any bystander to assist in making any arrest if such law enforcement officer has a reasonable belief that such assistance will be necessary in making such arrest. It shall be unlawful for any private citizen to refuse to assist a law enforcement officer when called upon, and such private citizen shall be liable for criminal penalties.

Sec. 17.13 Power to Arrest for Resistance.

Law enforcement officers shall be empowered to charge any person with resisting arrest when such person, after having been placed under arrest or taken under custody by law enforcement, resists arrest either by physical means or by flight. Refusing to comply with this section shall be a misdemeanor.

Sec. 17.14 Approaching within Twenty Feet of Person Being Arrested.

It shall be unlawful for any private citizen to approach within twenty (20) feet of any law enforcement officer who is engaged in the process of making an arrest, or while a law enforcement officer is in the process of transporting a prisoner to jail. Law enforcement officers are empowered to order all persons away from the vicinity of the aforementioned sites while an arrest or transport is ongoing. Refusing to comply with this section shall be a misdemeanor.

Sec. 17.15 Obstruction of Streets, Sidewalks; Crowds.

Law enforcement officers shall be empowered to use any reasonable means when necessary to prevent the obstruction of sidewalks or streets, to disperse all crowds of a riotous or disorderly nature, or to prevent those from endangering the public safety of the Town's citizens.

Sec. 17.16 Cursing or Abusing Law Enforcement Officers.

It shall be unlawful for any person to use fighting words at a law enforcement officer while such law enforcement officer is on duty. This also includes any language that incites violence or an immediate breach of the peace. It shall also be unlawful for any person to abuse, either by physical or verbal conduct, any law enforcement officer while such law enforcement officer is on duty. Refusing to comply with this section shall be a misdemeanor.

Sec. 17.17 Reserved

Sec. 17.18 Reserved

Article III, Traffic Enforcement

Sec. 17.20 Authority of Chief Law Enforcement Officer.

The chief law enforcement officer shall be empowered to enforce the rules, regulations, laws and ordinances as enumerated specifically within the Code of Ordinances of the Town.

Sec. 17.21 Parking of Vehicles, Etc.

The chief law enforcement officer is authorized to regulate the operation and parking of vehicles within the Town by erecting or placing of proper signs or markers to indicate the following: prohibited or limited parking, restricted speed areas, one-way streets, through streets, stop streets, "U" turns, play streets, school areas, hospital zones, loading and unloading zones, and quiet zones. This list of signs or markers is not exhaustive, and the Town shall not be limited as to what is listed.

Sec 17.22 Pedestrians.

The chief law enforcement officer is authorized to regulate pedestrian movement on the streets and sidewalks of the Town by erecting or placing proper signs or markers to indicate the correct flow of pedestrian traffic.

Sec. 17.23 Taxi Stands, Bus Stops, Truck Routes.

The chief law enforcement officer shall be authorized to erect and place signs to be used as a designation for bus stops and taxicab stands. The chief law enforcement officer shall be authorized to designate truck routes and to regulate the parking of vehicles of various sizes and weights.

Sec. 17.24 Traffic Lanes, Street Signs.

The chief law enforcement officer shall be authorized to designate traffic lanes on streets when such action is necessary to direct the flow of traffic. The chief law enforcement officer may use all signs and markers necessary to implement these directives and may place them on any street.

Sec. 17.25 Prima Facie Evidence.

The existence of all signs and markers at any place within the Town shall be prima facie evidence that such signs were placed at the direction of the chief law enforcement officer and in accordance with the provisions of this chapter.

Sec. 17.26 Orders in Writing.

All orders issued under this article shall be in writing, signed by the chief law enforcement officer.

Sec. 17.27 Duty of Law Enforcement Officers.

It shall be the duty of every law enforcement officer of the Town to enforce the provisions of this article.

Sec. 17.28 Obedience by Public Employees; Exceptions.

The provisions of this article shall apply to all persons except to those currently operating authorized emergency vehicles. The provisions shall also not apply to persons performing maintenance work on the streets nor to vehicles and other equipment used as assistance to perform such maintenance work.

Sec. 17.29 Failure to Comply.

All citizens shall comply with any lawful order or directive of any law enforcement officer, and a willful failure or refusal to comply shall be a misdemeanor.