

CHAPTER FIVE

POLICE DEPARTMENT

ARTICLE 1 - ORGANIZATION AND REGULATIONS

5.0101 Establishment

The Police Department heretofore created for the City of Medora, North Dakota, and by this chapter continued, shall consist of the Chief of Police and as many policemen, policewomen, patrolmen, and officers as may be authorized by the City Council.

Source: Sections 40-05-02 (9) and 44-08-16 NDCC

5.0102 Additional Officers - Emergency

In case of riot or unusual or general disturbances of the peace, the Chief of Police shall have power to appoint such other and additional policemen and policewomen as is deemed necessary for the preservation of the public peace.

Source: Sections 40-05-01 (33), 40-05-02 (9), and 44-08-16 NDCC

5.0103 Duties of Chief of Police

The Chief of Police shall see that the ordinances of the City are strictly enforced. He or she shall report to the City Council any violation of the ordinances or anything occurring within the City which, in the Chief's opinion, is detrimental to the health or safety or good order of the City. The Chief shall at all times be subject to and obey the orders of the City Council and Mayor and perform such other additional duties or orders as the City Council and Mayor may prescribe. He or she shall have supervision over the other members of the Police Department; shall be the keeper of the City jail and shall have custody of all persons incarcerated therein, and shall provide a jailer at all times when someone is incarcerated therein; shall keep such records and make such reports concerning the activities of his department as may be required by state statute or by the City Council. The Chief shall be responsible for the performance by the Police Department of all its functions and all persons who are members of the Police Department shall serve subject to

the orders of the Chief of Police. He or she shall have authority to administer oaths to police officers under his supervision. The Chief of Police shall perform such duties as shall be prescribed by the City Council for the preservation of the peace.

Source: Section 40-20-05 NDCC

5.0104 Rules and Regulations

The Chief of the Police Department may make or prescribe such rules and regulations as he or she shall deem advisable; such rules, when approved by the City Council, shall be binding on members of the Police Department. Such rules and regulations may cover, besides the conduct of department members, uniforms and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

Source: Sections 40-05-02 (9) and 40-20-05 NDCC

5.0105 Duties of Police - General

It shall be the duty of the Police Department and each and every member of the police force to notice and diligently inquire into and report to the Chief of Police all violations of City ordinances, violations of the criminal laws of the state, and breaches of peace and to make complaint against the person or persons guilty thereof, and to attend punctually on all trials of offenses with regard to complaints made by any police officer.

Within the City limits and for a distance of one and one-half (1½) mile in all directions outside the City limits, the police officers and watchmen of the City shall perform the duties and exercise the powers of peace officers as defined and prescribed by the laws of the State of North Dakota.

Source: Section 40-20-05 NDCC

5.0106 Duties of Police - Hot Pursuit - Defined

A police officer in “hot pursuit” may continue beyond the one and one-half (1½) mile limit outside the City to make an arrest in obedience to a warrant or without a warrant under the conditions of Section 29-06-15 of the North Dakota Century Code, whenever

obtaining the aide of peace officers having jurisdiction beyond that limit would cause a delay, permitting escape. As used in this subsection, “hot pursuit” means the immediate pursuit of a person who is endeavoring to avoid arrest.

Source: Section 40-20-05 NDCC

5.0107 Duties of Police - Service of Process, Etc.

Police officers shall serve and execute any warrant, writ, process, order or notice issued to them by a judge within the City in any civil or criminal action or proceeding in which the City is a party or is an interested party. The police, within the limits prescribed in this section, may serve and execute all writs and process issued by justices in civil actions. In addition to the duties set out in this section, the police shall perform such other duties as may be prescribed and defined by ordinances of the City and the laws of this state.

Source: Section 40-20-05 NDCC

ARTICLE 2 - POWERS AND DUTIES

5.0201 Stolen, Abandoned, Lost Property

The Chief of Police shall have the custody of all lost, stolen or abandoned property recovered in the City and shall make a report concerning such property as provided by Section 3.0308 of the City ordinances.

Source: City of Medora Ordinances 1970

5.0202 Traffic Administration

The Police Department shall have such duties concerning enforcement, investigation, record keeping, and other matters concerning traffic administration as are more fully set forth in Article 2 of Chapter 9 of these ordinances.

Source: Sections 40-05-01 (17, 18), and 40-05-02 (14) NDCC

5.0203

Witness Fees and Mileage of Municipal Police Officers

Police officers of the City of Medora shall be entitled to be paid witness fees and mileage expenses allowed by law for other witnesses when such officers are off duty and are subpoenaed to testify in actions where a plea of guilty was not entered. Police officers of the City, appearing as witnesses while on duty, shall be compensated by their employer at their regular rate for their position.

Source: Section 31-01-16.1 NDCC

5.0204

Additional Powers of Peace Officers

Peace officers employed by a law enforcement agency within the state have the power of a peace officer in the following circumstances:

1. To enforce state laws and rules within the jurisdiction of the law enforcement by which they are employed.
2. To assist during the necessary absence from office by the requesting officer.
3. When responding to requests from other law enforcement agencies or officers for aid and assistance.

For the purposes of this subsection, such a request from a law enforcement agency or officer means only a request for assistance as to a particular and singular violation or suspicion of violation of law, and does not constitute a continuing request for assistance outside the purview of the jurisdiction of the law enforcement agency by which a peace officer is employed.

4. The powers and duties hereby conferred are supplemental to other powers and duties conferred upon peace officers and do not constitute an obligation beyond the regular course of duty of those officers.

Source: Section 44-08-20 NDCC

ARTICLE 3 - MISCELLANEOUS

5.0301 False Alarms - Interference

No person shall give or cause to be given, or make, or place or cause to be placed any false report, call, or communication of any kind to the police; or any false police alarm with intent to deceive; or tamper with or set off any police alarm or signal box with like intent; or tamper, meddle, or interfere with any such police alarm box or intentionally cut, break, deface, or remove any such box or any of the wires or supports thereof in connection with the police alarm system; or intentionally interfere with or injure any property of any kind belonging to or used by the Police Department; or hinder or delay any apparatus or equipment or vehicle belonging to the Police Department.

Source: City of Medora Ordinances 1970

5.0302 Obedience to Police Officer

No person may willfully refuse to comply with a lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

Source: Section 39-10-02 NDCC

5.0303 Right-of-Way

Upon the immediate approach of an authorized emergency vehicle, including motor vehicle or motorcycle of the Police Department when going to or returning from business of the department, giving an audible signal by bell, siren, or exhaust whistle, and displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle and/or police vehicle has passed, except when otherwise directed by a police officer.

Whenever an emergency vehicle or police vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, rotating blue, white, or red light, approaching traffic shall move to the right hand edge or curb of the roadway and shall stop but, once having stopped, traffic may proceed past the scene at its own risk when roadway

is clear, except when otherwise directed by a police officer.

This section does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Source: Section 39-10-26 NDCC