

CHAPTER 15

POLICE DEPARTMENT

For state law as to law enforcement generally, see G.S., §§ 160A-281 to 160A-289. As to interfering with or resisting police, see G.S., § 14-223. As to failure to aid officer, see G.S., § 15A-405. As to false reports to police, see G.S., § 14-225. As to motor vehicles and traffic generally, see Ch. 13 of this Code. As to false alarms, see § 14-8. As to damaging police alarm system, see § 14-15.

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Sec. 15-1. City manager executive head; composition.

The city manager shall be the executive head of the police department and together with the chief of police and such other employees as the city manager may deem necessary, shall constitute the police department. (Code 1961,,§ 12-1.)

Sec. 15-2. Auxiliary police force.

There is hereby created an auxiliary police force composed of such number of members as the city council shall authorize. The city manager shall appoint the members of the auxiliary police force. (Code 1961, § 12-2;8-14-67.)

For state law as to authority of city to establish an auxiliary police force, see G.S., § 160A-282.

Sec. 15-3. General control; suspension of policemen.

The chief of police shall have general control of the police department and may at any time for cause suspend from duty any member of the police force, pending a hearing before the city manager. (Code 1961, § 12-3.)

Sec. 15-4. Chief to assign duties.

The chief of police, subject to the city manager shall have charge of the police force and as such shall assign such duties to the policemen as he thinks best for the good order of the city and shall be responsible to the city manager in seeing that the policemen faithfully perform their duties.

(Code 1961, § 12-4.)

Sec. 15-5. Chief--Office created.

There is hereby created the office of chief of police.

Sec. 15-6. Same--Duties generally.

It shall be the duty of the chief of police to:

- (a) Supervise, subject to the city manager, the police department.
- (b) Preserve the peace by suppression of all disturbances and apprehension of all offenders.
- (c) Assign such duties as he deems best to the police officers of the city.
- (d) Such other and further duties as the city manager may assign. (Code 1961, § 2-50.)

Sec. 15-7. Compensation.

The police officers shall receive as compensation such sums as shall be fixed by the city council. (Code 1961, § 129.)

Sec. 15-8. Uniforms.

The chief of police and other police officers shall when on duty wear such uniforms as shall be prescribed by the city council and shall keep the same in a neat condition, and upon discharge or resignation or dismissal, surrender such uniforms when the same shall have been purchased by the city for their use, and it shall be the duty of the chief of police to see that the force presents a neat and respectable appearance; provided, that any member of the police force designated or employed for emergency, limited or special duty, or anyone working generally as detective or doing detective work, need not be clad in a uniform unless specially directed by the chief of police to wear a uniform. (Code 1961, § 12-10.)

Sec. 15-9. School crossing guards.

The city manager is hereby authorized to hire four persons to serve as school crossing guards at four of the more dangerous intersections in the city. The guards shall be instructed to be on duty two hours each day from 7:30 A.M. until 8:30 A.M. and from 2:30 P.M. until 3:30 P.M. They shall be compensated at the rate of sixty dollars per month and be furnished uniforms consisting of an all-weather coat, skirt or pants, blouse and cap. (2-10-69)

Sec. 15-10. False Fire Alarm Ordinance: Purpose. The purpose of this article is to establish regulations governing burglary, robbery and fire alarm systems and to reduce the number of false alarms in the city, and the resulting waste of Mount Holly police and fire department's resources.

Sec. 15.10.1. Definitions:

- (a) Alarm System means any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise) which is designed, intended or used to detect an unauthorized entry into a building, structure or premises, or to signal an attempted robbery or holdup, or to alert others of the commission of an unlawful act, or to detect presence of fire or smoke in or around a building, structure or premises.
- (b) The chief of the Mount Holly Police Department and the chief of the Mount Holly Fire and Rescue Department shall include their respected designee.
- (c) False Alarms means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the subscriber, his/her or their employees, or agents. A false alarm shall not include an alarm which can reasonably be determined to have been activated by adverse weather conditions, a failure in the electrical power to the alarm or other condition beyond the control of the alarm user. An alarm is false within the meaning of this ordinance when, upon inspection by the fire department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. False fire alarms would be without evidence of fire, smoke or other emergencies that require the response of fire units or personnel.
- (d) Alarm user means any person, corporation, partnership, governmental or educational entity owning or leasing an alarm system which is maintained for the protection of such premise.

Sec. 15-10.2. False Alarms

- (a) Second False Alarms. If, within any sixty (60) day period, the Mount Holly police or fire departments respond to two (2) false alarms at the same premises or location, the chief of police/fire may send a letter to the alarm user informing him

of the false alarms and encouraging the prevention of future false alarms. If a third or subsequent false alarm occurs within a sixty (60) day period a chargeable false alarm violation exists.

- (b) **Third and Subsequent Alarms.** If, within any sixty (60) day period, the Mount Holly police and/or fire department is dispatched and arrives upon the premises or location of a third or subsequent false alarm, without having the call cancelled before arrival, the alarm user at this premises or location shall reimburse the City. The reimbursement for any such incident shall be fifty dollars (\$50) for all such responses. The alarm user will continue to be in violation for each subsequent false alarm activation until sixty (60) sequential days have elapsed without a false alarm. The alarm user is entitled to begin a new sixty (60) day period for false alarms as spelled out in Section 15-10.2(a).
- (c) **Maintenance.** Each alarm user in the City, on the effective date of this article, shall furnish and maintain to the Mount Holly police and/or fire departments or to an alarm answering service, a current list of the person(s) name(s), address(s) and telephone number(s) who may be able to deactivate the alarm system. After the effective date of this article, it shall be unlawful to activate an alarm system without first notifying the Mount Holly police and/or fire or alarm answering service of the name(s) and telephone number(s) of person(s) authorized and able to deactivate the alarm system. Failure to comply with this subsection(c) above will result in a fifty dollar (\$50) civil penalty for each alarm incident.
- (d) **Audible Alarms to Discontinue Emitting Alarms After Set Time.** On or after, May 12, 2003, it shall be unlawful for any person to install or maintain any audible alarm which does not automatically discontinue emitting an audible alarm sound within thirty (30) minutes after activation. Failure to comply with this subsection will result in a fifty dollar (\$50) civil penalty.
- (e) **Continuing Alarm:** An alarm user or their representative shall reset an alarm system when notified by the Mount Holly police or fire department that such alarm activated. When an alarm sounds continuously for a period of thirty (30) minutes from the time units respond to the alarm, due to the failure of the alarm user or their representative to reset the alarm, every subsequent thirty (30) minute period or portion thereof that such alarm continues to sound shall be considered a separate false alarm. The alarm user shall reimburse the City for police and/or fire services for false alarms under this subsection at a flat rate of ten dollars (\$10) for each false alarm resulting from the continuous operation of an alarm, not to exceed one hundred dollars (\$100) for any twenty-four (24) hour period.

Sec. 15-10.3. Authority to Waive Reimbursement.

The chief of police or the fire chief shall have the power to waive any fee charged to an alarm user when such alarm user submits in writing to the chief of police/fire evidence that the false alarms was not the result of negligence, and that it occurred in

spite of a prior test period of at least thirty (30) days for reasonable training and maintenance, or when such alarm user submits evidence to the chief of police/fire which indicates that an alarm to which any City unit responded was not a false alarm.

Sec. 15-10.4. Punishment.

Punishment for violation of this article is a civil violation and subject to civil penalties as enumerated.

(Adopted 5-12-2003)