

Chapter 14

POLICE*

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ARTICLE I. IN GENERAL

Secs. 14-1—14-15. Reserved.

ARTICLE II. POLICE DEPARTMENT†

DIVISION 1. GENERALLY

Sec. 14-16. Interference with department prohibited.

(a) No person shall resist any policeman, any members of the police department, or any person duly empowered with police authority while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

(b) No person shall offer or endeavor to assist any person in the custody of a police officer, a member of the police department, or a person duly empowered with police authority to escape or to attempt to escape from such custody.

***Cross references**—Alcoholic beverages, Ch. 3; amusements, Ch. 4; animals and fowl, Ch. 5; miscellaneous offenses and provisions, Ch. 12; obstruction of city officers prohibited, § 12-17; giving false alarms prohibited, § 12-18; false report of crime prohibited, § 12-19; parks and recreation, Ch. 13; streets, sidewalks and other public places, Ch. 16; traffic and motor vehicle code, Ch. 18.

†**Cross reference**—Administration, Ch. 2; inspection of dance halls by police department, § 4-69; investigation and report of accidents in public parks and recreation areas, § 13-1.

(c) No person other than an official police officer of the city shall wear or carry the uniform, apparel, badge, identification card, or any other insignia of office like, or similar to, or a colorable imitation of that adopted and worn, or carried by the official police officers of the city.

(d) No person shall make available to, present to, or place within the reach of any person confined, under the authority of the city, any intoxicating or malt liquors, or any tool, implement, or other thing calculated to aid in the escape of such person so confined, or any other person confined, under authority of the city.

(e) No person shall assist or aid, or attempt to assist or aid, any person in the custody of, or confined under the authority of the city, to escape from jail, place of confinement or custody.

(f) No person shall, while a prisoner in the city jail, or at any other place where prisoners are confined, or otherwise in custody of and confined by the city, escape or attempt to escape from such custody or confinement. (Ord. No. 556, § 21, 8-11-69)

State law reference—Obstruction of police officers, MSA § 28.747.

Sec. 14-17. Powers and duties of police chief—To appoint auxiliary policemen.

The chief of police is hereby authorized and directed to appoint special policemen, to be known as auxiliary, in such numbers as he may deem necessary to perform police duties in time of extraordinary emergency under the direction of and in compliance with such rules and regulations as the chief of police shall promulgate. (Ord. No. 328, § 1, 2-5-51)

Charter reference--Duties of chief of police, Ch. III, § 20.

Sec. 14-18. Same—To investigate applicants for city employment, licenses, etc.

(a) Prior to the hiring of any applicant for any position of employment with the city; prior to the approval of any contract for services which may involve access by the contractor to re-

ords, property, or confidential information of the city or of any citizen; and prior to the approval of any applicant for any license granted under the authority of the Charter or any ordinance of the city; the chief of police shall inquire into the applicant's or contractor's record of criminal convictions.

- (1) Such inquiry may be made in any lawful manner.
- (2) Such inquiry may be made by access to the Law Enforcement Information Network (LEIN), provided that any access to LEIN information shall comply with 1974 PA 163 (MCLA 28.211 et seq.), as amended, rules promulgated thereunder including Michigan Administrative Rules R28.5101 et seq., and other applicable laws, rules, procedures, and manuals established thereunder.

(b) Information obtained pursuant to this section may be used as a basis for the hiring, contracting, or licensing of such applicant or contractor, including a determination of his or her moral character. (Ord. No. 804, § 1, 1-25-88)

Editor's note—Section 1 of Ord. No. 804, adopted Jan. 25, 1988, purported to amend the Code by adding thereto a new § 12-43. At the discretion of the editor these provisions have been redesignated as a new § 14-18.

Cross references—Bartender's license, § 3-19; amusement licenses generally, § 4-17 et seq.; billiard room, bowling alley license, § 4-48 et seq.; dance hall licence, § 4-75 et seq.; theatre license, § 4-100 et seq.; electrical contractor's license, § 6-51 et seq.; digger's license, § 6-71; garbage and refuse collector's license, § 10-44; concrete construction license, § 16-22; taxicab driver's license, § 21-17 et seq.; taxicab operation license, § 21-35 et seq.; trailer rental license, § 21-65 et seq.

Sec. 14-19. Authorization to issue appearance tickets on school property.

(a) *Public servants authorized to issue.* The following public servants are hereby authorized to issue and serve appearance tickets for violations of section 8.10a "Prohibited Parking," of the Uniform Traffic Code as adopted by Ordinance No. 550, as amended; section 12-29, "Refusal to Leave School Premises," of Ordinance No. 561; section 12-37, "Loitering," of Ordinance No. 556; and section 12-7, "Smoking," of Ordinance No. 862, as those sections and ordinances may hereafter be revised, provided the violations occur at the Ferndale High School campus:

- (1) The principal of the Ferndale High School.

- (2) The assistant principal of the Ferndale High School.
- (3) The security director of the Ferndale High School.

Provided however, that the school district of the city authorizes by name and title such public servant to issue and serve appearance tickets under this section.

(b) *“Appearance ticket” defined.* As used in this section, “appearance ticket” means a complaint or written notice issued and subscribed by a police officer or other public servant authorized by law or ordinance to issue it directing a designated person to appear in the 43rd Judicial District Court or in the Juvenile Division of the Oakland County Probate Court at a designated future time in connection with his or her commission of a violation of an ordinance listed in subsection (a) above.

(c) *Police chief authorized to promulgate regulations.* The city police chief may, in his discretion, promulgate administrative regulations for implementing this section, including suspension or revocation of any authority granted to the public servant by this section.

(d) *Section adopted under state law.* This section is adopted under the provisions of MCLA 257.961 (1967 P.A. 47) and MCLA 764.9f(1) (1988 P.A. 49) and refers to police powers conferred on public servants pursuant to MCLA 764.9c which are incorporated herein by reference.

(e) *Liability of city.* Nothing in this section shall impose any liability upon the city or its officers or employees for acts performed by agents or employees of the school district of the city in issuing and serving appearance tickets. (Ord. No. 863, § 1, 9-27-93)

Secs. 14-20–14-24. Reserved.

DIVISION 2. DISPOSITION OF
ABANDONED PROPERTY*

Sec. 14-25. Delivered to police chief for recording.

Whenever any lost or abandoned money, goods or personal property are found within the limits of the city, by any police officer or employee of the city, the same shall be delivered at once to the chief of police, who shall cause to be noted in a book kept for that purpose, a complete description of the property, the date of the finding of the same and the name of the person by whom found. Such book shall be a part of the public records of the city, and shall be kept on file in the police department. (Ord. No. 114, § 1, 7-10-29)

Sec. 14-26. Notice to owner; sale at public auction.

If the owner of lost or abandoned property is known to the chief of police, he shall cause to be served upon such owner a written notice informing him that his property has been found and is in possession of the police department. If the owner fails or neglects to appear and claim his property after a period of twenty (20) days from the date of the service of such notice, the city manager shall cause the same to be offered for sale at public auction after ten (10) days' written notice of such proposed sale has been posted in three (3) public and conspicuous places in the city. If the owner of lost or abandoned property is unknown and he, or any person lawfully entitled to such property shall not appear and provide his ownership to the same, to the satisfaction of the chief of police within six (6) months from the date of finding of same, the city manager shall cause the same to be offered for sale at public auction upon first giving ten (10) days' notice of such sale in a newspaper of

*Cross reference—Disposition of lost articles found in taxicabs, § 21-29.

State law references—Duties of local police with respect to abandoned vehicles, MSA § 9.1952; notification by owner of abandonment of snowmobile, MSA § 9.3200(6); leaving vehicle along limited access highway prohibited, MSA § 9.2372; disposition of abandoned personal property on state property, MSA § 18.733(1) et seq.

general circulation in the city, said notice to contain the description of the property and the time and place where it will be sold. (Ord. No. 114, § 2, 7-10-29)

Sec. 14-27. Firearms and dangerous weapons.

Firearms and dangerous weapons shall not be sold, but shall be destroyed or stored in the discretion of the chief of police. (Ord. No. 114, § 2, 7-10-29)

Sec. 14-28. Disposition of money found.

All money found and turned over to the chief of police and thereafter unclaimed for a period of six (6) months shall be turned over by him to the finder of said money after the finder, at his own expense, shall advertise for three (3) consecutive days in a newspaper of general circulation in the city without said money being claimed by its rightful owner. (Ord. No. 114, § 3, 7-10-29; Ord. No. 732, § 1, 9-27-82)

**DIVISION 3. BURGLAR, FIRE AND OTHER
SIMILAR ALARM SYSTEMS***

Sec. 14-29. Alarm permits and false alarms.

(a) *Definitions.* The following words and phrases, when used in this section shall, for the purpose of this section, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Alarm system means any assembly of equipment and devices, or a single device, except for an alarm system on a motor vehicle, that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon police/fire services of the city.

Alarm user includes the owner of the land or premises within which an alarm system is installed; the tenant, occupant, or person having possession or control of any premises in which an alarm system is installed; and, person having actual or constructive possession of an alarm system, when such alarm system signals an emergency.

***Cross reference**—Giving false alarms, § 12-18.

Chief means the chief of police of the city, acting personally or through a duly authorized representative.

Emergency means a hazard, condition, or situation calling for immediate action or urgent attention and to which municipal public safety personnel are customarily expected to respond on an immediate or high priority basis.

False alarm means a signal given by an alarm system when no emergency is found by the public safety personnel that responds to the alarm.

Public safety personnel includes city police officers, dispatchers, firemen and other employees of the city who provide emergency services to persons and/or to property within the city.

(b) *Automatic dialing prohibited.* No person shall install or use a device or combination of devices which will, upon activation, either mechanically, electronically, or by other means, initiate the automatic intrastate calling, dialing, or connection to any telephone number assigned to the city police department, the city public safety department, or the 911 emergency number which connects or assigns the call to the department or its dispatchers.

(c) *Automatic shutoff required.* All alarm systems hereafter installed which emit a signal audible beyond the boundaries of the property protected must have an automatic shutoff feature, which silences the audible portion of the alarm not more than fifteen (15) minutes after being tripped. All persons shall terminate the use of existing systems which lack this automatic shutoff feature within sixty (60) days after July 2, 1991.

(d) *Permit required.* All alarm systems installed, maintained or used within the city, shall require an alarm permit as provided herein.

(e) *Time to obtain permit.* Permits must be obtained for alarm systems in existence on July 2, 1991, within sixty (60) days thereafter. In all other cases, a permit must be obtained before the system is installed and used. It is unlawful to cause or allow an alarm system requiring a permit to be used unless there is then a current, valid permit in force for that system.

(f) *Applications; contents.* Applications for permit shall be filed with the city police department on forms provided and furnished by the city. The alarm user shall provide the following:

- (1) The alarm user's name, address and telephone number.
- (2) The street address of the property at which the alarm system is maintained.
- (3) At the alarm user's option, the name, address and telephone number of the alarm company which installed and/or monitors the alarm system, if any.
- (4) An affirmation, in writing and signed by the alarm user, which states that the alarm system is equipped with a functional automatic shutoff device, as required by subsection (d) of this section.
- (5) The name and telephone number of at least one (1) other person, firm or corporation who can be reached at any time of day or night and who, within a thirty-minute response time, can open the premises in which the alarm system is installed and deactivate it.

(g) *Fee for permit.* Prior to the issuance of a permit, a permit fee shall be paid to the city in an amount set by resolution of the city council. The fee charges shall be periodically reviewed and adjusted, but the revenues generated by them shall not exceed the city's direct and indirect costs of processing, issuing, and administering this section.

(h) *Issuance of permit.* The city police department shall act upon each application within a reasonable time and shall issue a permit when it determines that the application and proposed alarm system conform to the requirements of this section, the other provisions of the city code, and other applicable laws and regulations.

(i) *Expiration of permit.* Every alarm permit shall expire three (3) years from the date of issue except that renewal permits shall expire three (3) years from the expiration date of the prior permit.

(j) *Amendment of permit.* An individual having been issued an alarm permit shall promptly notify the city police department, in writing, whenever the information contained in the application for permit is no longer accurate.

(k) *Revocation or suspension of permit.* The chief of police may, in the exercise of sound discretion, revoke, or suspend for any period of time, an alarm permit when he determines that any of the following grounds exist:

- (1) The permit was improperly issued.
- (2) Nonpayment of any fee required under the provisions of this section.
- (3) The alarm system has been the source of excessive "at fault" alarms. Excessive "at fault" alarms shall be based on three (3) or more "at fault" alarms during a month or five (5) or more "at fault" alarms during a year.
- (4) The alarm system has not been maintained and utilized in conformity with the provision of this section or regulations promulgated thereunder.

(l) *Due care in operation required.* Every alarm user shall exercise due care to install, maintain and use every alarm system so as to avoid its signalling false alarms. Every alarm user shall diligently instruct, supervise, and control those having access to the alarm system and the alarmed premises, and shall take all reasonable steps to prevent the system from signalling false alarms.

(m) *Alarm fees.* Notwithstanding the fact that a prosecution for violation of this section has or has not been pursued, the owner, lessee or user of the alarm system as described in subsection (a) shall pay to the city the following fees for any "at fault" false alarms:

- (1) First activation requiring response by police/
fire department in the calendar year. No charge
- (2) Second activation requiring response by police/
fire department in the calendar year. \$ 20.00
If not paid within thirty (30) days 30.00

(3) Third activation requiring response by police/ fire department in the calendar year.	40.00
If not paid within thirty (30) days	50.00
(4) Fourth and each subsequent activation re- quiring response by police/fire department in the calendar year.	100.00
If not paid within thirty (30) days	125.00
(5) For each additional thirty (30) day period that the above required fee is not paid an addi- tional fee shall be required.	5.00

Any “at fault” alarm fee which the alarm user fails to pay within a period of six (6) months or more shall be certified by the police chief to the city council and upon their approval shall become a lien upon the property on which the alarm system is located. Such charges shall be assessed, collected, and enforced in the same manner as provided in Chapter XI, Section 19 of the city charter.

(n) *Determination of “at fault” false alarm.* The police department shall conduct an investigation concerning the explanation for the false alarm submitted by an alarm user. After investigation, the police department will determine whether there was an “at fault” false alarm. An “at fault” false alarm shall include the following:

- (1) If there is no evidence of illegal entry or an attempt thereof.
- (2) If there is no evidence of fire.
- (3) If there is a malfunction in the system.
- (4) If the system activated by mistake.
- (5) If the alarm is activated by persons working on the alarm system where the police/fire departments were not notified of such work.

(o) *False alarm not determined by police department.* An “at fault” false alarm shall not be determined, however, if the police department finds upon investigation that any of the following existed:

- (1) Severe storm conditions.

- (2) A false alarm that can be substantiated as being activated by a disruption or disturbance of the Michigan Bell Telephone Company system. Documentation of such disruption must be provided to the police department within thirty (30) days of false alarm.
- (3) Utility pole accidents.
- (4) After investigation a waiver is based on other extenuating circumstances.

(p) *Corrective action.* The police department may initiate a corrective action in the event that excessive (as defined in subsection (k)(3)) "at fault" false alarms are signaled by any alarm system. Such corrective actions may include one or more of the remedies enumerated in this section, including institution of ordinance violation proceedings and/or imposition and collection of user fees by billing, and the institution of civil proceedings for court-ordered abatement of nuisances. All of these remedies shall be cumulative.

(q) *Appeal of police department's decisions.* All administrative actions and decisions of the police department under this section may be appealed to the city council, upon filing a request in writing, with the police department, within ten (10) days of the department's decision.

(r) *Presumption as to "alarm user."* For purposes of prosecuting violations of the penal provisions of this section the alarm "alarm user" is presumed to be that person whose name appears on the alarm permit.

(s) *Penalties.* All violations of this section by any person, corporation or firm shall be considered a misdemeanor and punishable by a fine not to exceed one hundred dollars (\$100.00). The following shall be considered a violation of this section:

- (1) If an alarm user fails to obtain the required alarm permit under this section.
- (2) If an alarm user's permit is revoked and the alarm user continues to use the alarm system.
- (3) If an alarm user installs or uses an automatic intrastate dialing system under subsection (b) of this section.

- (4) If an alarm user fails to install an automatic shutoff feature on their alarm system under subsection (c) of this section. (Ord. No. 778, § 1, 8-26-85; Ord. No. 840, § 1, 6-24-91)

Editor's note--Section 2 of Ord. No. 840, adopted June 24, 1991, repealed § 14-29, pertaining to operating and permit requirements for alarm systems and devices, and Section 1 of said ordinance added a new § 14-29, pertaining to alarm permits and false alarms. Former §§ 14-29 was derived from Ord. No 778, § 1, adopted Aug. 26, 1985.

