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**CHAPTER FIVE  
POLICE DEPARTMENT**

**ARTICLE 1 – Organization and Regulations**

**5.0101 Establishment**

The police department heretofore created for the City of Cando and by this chapter continued shall consist of the Chief of Police and as many police officers as may be authorized and provided by the City Council.

**5.0102 Additional Officers – Emergency**

In case of riot or unusual or general disturbances of the peace, the Chief of Police shall have the power to appoint such other and additional police officers as he may deem necessary for the preservation of public peace.

**5.0103 Duties of the Chief**

The chief of police shall keep such records and make such reports concerning the activities of the department as may be required by statute or by the City Council. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief of police. The Chief of Police shall have the authority to administer oaths to police officers under the chief's supervision.

**5.0104 Rules and Regulations**

The chief of police may make or prescribe rules and regulations for the department. Such rules, when approved by the City Council, shall be binding on members of the department. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours or service and all other similar matters necessary or desirable for the better efficiency of the department.

**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 the city ordinances, or the criminal laws of the state, and to make complaint against the person or persons guilty thereof, and to attend punctually on all trials of offenses in regard to those complaints.

The Chief of Police shall assure that a member of the police department is present during Municipal Court unless the Municipal Judge shall order otherwise.

Within the City limits and for a distance of one and one-half (1/2) miles (2.41 Kilometers) in all directions outside the City limits, police officers shall perform the duties and exercise the powers of peace officers as defined and prescribed by the laws of the State of North Dakota. (NDCC Section 40-20-05)

**5.0106 Duties of Police – Hot Pursuit – Defined**

A police officer in "hot pursuit" may continue beyond the one and one-half mile [2.41 kilometer] limit to make an arrest, in obedience to a warrant or without a warrant under the conditions of section 29-06-15, whenever obtaining the aid 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. (NDCC Section 40-20-05)

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 municipal judge within the city in any civil or criminal action or proceeding for or on account of a violation of any city ordinance or in any action or proceeding in which the city is a party or is interested beneficially. 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 by ordinance or statute. (NDCC Section 40-20-05)

5.0108 Special Police

At the request of any corporation, firm or person, the Chief of Police may appoint one or more special police officers to duty for such corporation, firm or person which special police officers shall have all the authority now, or which may be hereafter conferred by law upon police officers, and may make arrangements that such special police officers shall be paid by the corporation, firm or person requesting the same, and covered by their Workforce Safety Insurance coverage in which case such special police officers shall receive no compensation from the City and the City shall not be responsible for their negligent or unauthorized acts, this being responsibility of the firm, corporation or person requesting their appointment.

**ARTICLE 2 – Powers and Duties**

5.0201 Money or Property of Arrested Persons

It shall be the duty of the police department, and of each and every member of the police force, to safely keep all moneys or property which may be found on the person, in possession of or claimed by any person arrested for crime and pay or deliver over the same to Devils Lake Law Enforcement Center.

5.0202 Arrested Persons

Any police officer after making any arrest, with or without a warrant, for any violation of City Ordinances shall take the person or persons so arrested, without any unreasonable delay, to the Devils Lake Law Enforcement Center and inform the Municipal Judge at the earliest convenient time, or release the person upon signing a promise to appear

5.0203 Stolen, Abandoned, Lost Property

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

5.0204 Traffic Administration

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

**ARTICLE 3 – Police Commission**

5.0301 Purpose

This commission shall assist the Mayor and City Council in the management of the City Police Force. It shall organize itself by electing from its membership a chairman who will be the primary spokesman for the Police Commission. The Commission will always deal with the Chief of Police.

#### 5.0302 Membership of Police Commission

A Police Commission consisting of three members is hereby created for the purpose stated above. Its membership shall be selected as follows:

1. One member from the Council shall be selected by the Council Members.
2. One member from the Council shall be selected by the Mayor.
3. One member shall be selected by the Cando Chamber of Commerce.

One member selected by the Cando Chamber of Commerce shall be from among the electors of the City of Cando, and may receive compensation as set by the City Council for every meeting he attends. No more than two members of the City Council shall be members of the Police Commission.

#### 5.0303 Eligibility for Membership and Terms of Office

Any elector of the City of Cando who is not directly involved in police work by occupation in any manner is eligible to serve on the Police Commission. Each member shall serve for a three-year term, said term being staggered so that not more than one member retires each year. No member shall succeed himself for more than one successive three-year term, provided however those initial members do not serve a full three-year term. All terms shall begin in July of each year and the commission shall reorganize itself annually on its first meeting after that date.

The members of the Cando Police Commission who are selected either by the Mayor or by the Council Members shall only serve on the Police Commission during the period of time when they are elected and seated in their office as council members.

#### 5.0304 Responsibility and Duties

The Cando Police Commission shall:

1. Assist the Chief of Police in making and prescribing rules and regulations for the members of the police force as prescribed in Section 5.0105 hereof.
2. Advise the Mayor and Council Members on all such rules and regulations which are submitted to the Council for approval.
3. Advise the Mayor and Council Members on all matters of hiring and firing police officers including the Chief of Police.
4. Advise the Mayor and Council Members on salaries to be paid to all members of the police force.
5. Consider all requests for additional equipment from the police force prior to submitting the same to the City Council with its recommendations.
6. Review monthly reports submitted to the Commission by the Chief of Police.

**ARTICLE 4 – Miscellaneous**

**5.0401 False alarms – Interference**

No person shall give or cause to be given, or make, or place or cause to be given, 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, connected 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.

**5.0402 Right of Way**

Any motor vehicle of the police department shall, when going to or returning on business of the department, have the right-of-way upon giving an audible signal by bell, siren, exhaust whistle or flashing light. The driver of any other vehicle shall drive to the nearest right-hand curb or edge of the road, stop and remain until the police vehicle shall have passed.

**ARTICLE 5 – Penalty**

Any person who is convicted of violating or failing to comply with any of the provisions of this Chapter may be punished by a fine of not more than \$1000.00 or by imprisonment not to exceed 30 days or both.

It shall be the Municipal Judge's decision to use the sentencing defined in Article 5 of Chapter 13 of the Revised Ordinances of the City of Cando.