

**TITLE 6****LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. CORRECTIONAL FACILITIES.

**CHAPTER 1****POLICE AND ARREST<sup>1</sup>****SECTION**

- 6-101. When police officers to make arrests.
- 6-102. Disposition of persons arrested.
- 6-103. Citations in lieu of arrest in non-traffic cases.
- 6-104. Summonses in lieu of arrest.

**6-101. When police officers to make arrests<sup>1</sup>.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1990 Code, § 1-501)

**6-102. Disposition of persons arrested.** (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

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<sup>1</sup>Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1990 Code, § 1-502)

**6-103. Citations in lieu of arrest in non-traffic cases.**<sup>1</sup> Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the board of commissioners appoints the fire chief in the fire department and the codes enforcement officer in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The codes enforcement officer in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 4 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1990 Code, § 1-503)

**6-104. Summonses in lieu of arrest.** Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the board of commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the animal control officer in the animal control department and the public works director in the public works department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

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<sup>1</sup>Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 9, chapter 8.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summons notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-104 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1990 Code, § 1-504)

## CHAPTER 2

### CORRECTIONAL FACILITIES

#### SECTION

6-201. Definitions.

6-202. Permit required.

6-203. Application for a permit.

6-204 Adverse decision on a permit.

**6-201. Definitions.** (1) "Contractor" means any private entity under a contractual agreement with the City of Soddy-Daisy, the State of Tennessee or public authority to provide correctional services to persons under the custody of the Tennessee Department of Corrections, the sheriff of any county, the criminal, circuit, chancery, sessions, municipal, or juvenile court of any county, or who may have custody of such persons pursuant to an order of any such court. In the case of a minor, in addition to the order of a court, custody may be premised upon the contractor having legal custody of such person either by law, by order of a court, or by designation pursuant to the written permission of a parent or legal guardian.

(2) "Correctional services" means the following functions, services and activities, when provided by a contractor to persons to whom the contractor has been given legal custody:

- (a) Education, training and job programs;
- (b) Recreational, religious and other activities;
- (c) Development and implementation assistance for classification, management information systems, or other information systems or services;
- (d) Housing, food services, commissary, medical services, transportation, sanitation or other ancillary services;
- (e) Counseling, special treatment programs, or other programs for special needs; and
- (f) Operation of facilities; including management, custody of persons, and providing security.

(3) "Facility" means any structure located within the corporate limits of the City of Soddy-Daisy by a contractor for the purpose of providing correctional services, and any appurtenant structures, along with any parcel of land on which such structure or structures may be located. (1990 Code, § 1-501)

**6-202. Permit required.** It is unlawful for a contractor to operate a facility to provide correctional services within the City of Soddy-Daisy without a permit to do so. (1990 Code, § 1-502)

**6-203. Application for a permit.** A contractor seeking a permit to operate a facility must make application to the city for such a permit and provide such information as the city manager deems necessary to determine whether a contractor will operate the facility in such a manner so that any direct threats to the health, safety or property of other individuals or property owners are minimized. The city manager is authorized to make any reasonable request for information from the contractor seeking a permit which would be relevant to such determination. The city manager may also seek information from other governmental entities or third parties relevant to such determination. (1990 Code, § 1-503)

**6-204. Adverse decision on permit.** If the city manager's decision relative to the permit is adverse, his decision may be appealed to the city commission within seven (7) days of the city manager's written notice to the contractor making such application. Such appeal must be in writing and delivered to the city manager or city recorder. Within thirty (30) days of such appeal, the city commission will make a de novo determination on the issue of whether to issue the permit, upon the same criteria considered by the city manager. The determination of the city manager will be final, subject to any appeal rights that may be provided by state law. (1990 Code, § 1-504)