

## TITLE 3

## Public Safety

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## CHAPTER 1

## Law Enforcement

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§ 3-1-9	Penalties.
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Sec. 3-1-1 Composition of police department. *Amended 10-8-2012*

(a) The Police Department shall consist of those law enforcement officers and employees hired by the Police Chief. The creation of additional positions or ranks within the Department shall be approved by the City Council and Mayor.

(b) Subject to review by the Police Committee, the Chief of Police shall be responsible for the employment of Law Enforcement Officers to fill positions approved by the City Council. The Police Committee may also require that any Public Safety Director appointed by the Mayor and Council participate in any review conducted by the Police Committee. In employing such officers, all applicable city ordinances, department regulations and procedures, and other applicable laws and regulations shall be followed. The Police Chief and Police Committee may be assisted by the City Clerk or the City Administrator at any phase of the employment and hiring process to assure compliance with all applicable requirements. Approval of the city council in employing a person to fill an approved position for a law enforcement officer is not required.

(c) The law enforcement officers and employees of the Police Department shall be subject to the Personnel Policies and Procedures adopted by the City of Pembroke, and shall also be subject to any administrative rules, regulations, policies, and operating procedures adopted by the Police Chief pursuant to Section 3-1-3(a) of this Chapter 1 of Title 3. Such rules, regulations, policies, and

operating procedures may impose stricter and more stringent requirements upon the employees and law enforcement officers than the Personnel Policies and Procedures applicable to all city employees, provided that no such rule, regulation, policy, or operating procedure adopted shall restrict or limit any right or process available to City employees pursuant to the City's Personnel Policies and Procedures.

Sec. 3-1-2 Responsibilities.

The department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments and for any other matters of public safety and law enforcement as directed by the city council.

Sec. 3-1-3 Duties of chief of police. *Amended 10-8-2012*

(a) The chief of police shall:

- (1) conduct community public relations and crime prevention programs when required by the city council;
- (2) in consultation with the Police Committee, and any appointed Public Safety Director, adopt official administrative rules, regulations, policies, and operating procedures which govern all aspects of the operation of the Police Department, provided, however, that no such rules, regulations, policies, and operating procedures adopted by the Police Chief shall conflict with other applicable city ordinances and policies unless otherwise allowed under this Chapter. It shall be the duty of the Chief of Police to implement all such rules, regulations, policies, and operating procedures, and to operate the Department in accordance with such rules, regulations, policies, and operating procedures.
- (3) keep a comprehensive and detailed daily record in permanent form, showing:
  - a. all known or reported offenses and/or crimes committed within the corporate limits;
  - b. all arrests made by police officers;
  - c. all police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department;
- (4) make appropriate provisions for the housing and care of all prisoners taken into custody or otherwise committed to his care; and
- (5) serve as bailiff and constable for the municipal court.

Sec. 3-1-4 Public Safety Director. *Amended 10-8-2012*

The Mayor and Council may appoint and hire a Public Safety Director. In the event that a Public Safety Director has been appointed, then the Public Safety Director shall:

- (a) Coordinate with, consult with, and assist the Chief of Police in the matters set forth in Section 3-1-4(a) (1) and (2);
- (b) Serve as a liaison between the Police Department and both the Police Committee and City Council for any issues, matters, and policies governed by the Committee;
- (c) [reserved]
- (d) Serve as a liaison between the Fire Department and both the Fire Committee and City Council for any issues, matters, and policies governed by the Committee;
- (e) Coordinate Police Department, Fire Department matters, or any other Public Safety matters with the Emergency Management Coordinator for the City of Pembroke and Bryan County;
- (f) Report to the City Administrator for all matters concerning the Police Department, Fire Department, and other Public Safety issues; provided, however, that the City Administrator shall not be prohibited from working directly with the police and fire chiefs in any matters for which the City Administrator has been given responsibility by the Mayor and Council;
- (g) If the position of City Administrator is vacant, serve as supervisor of the Police Chief and Fire Chief, and report to the Police or Fire Committees, and to the Mayor and City Council on any matters concerning the Police or Fire Departments.

Sec. 3-1-5 Knowledge of laws and ordinances. *Amended 10-8-2012*

All law enforcement officers, upon their employment, shall acquire a full knowledge of all laws, ordinances, rules, and regulations of the City of Pembroke. All law enforcement officers and employees of the Police Department shall also become familiar with the administrative rules, regulations, policies, and operating procedures of the Police Department that have been adopted pursuant to Section 3-1-3(a) (2) of this Chapter 1 of Title 3. Ignorance of any such laws, ordinances, rules, regulations, policies or operating procedures shall be no excuse for a breach of any of the same by a law enforcement officer or employee of the Police Department.

Sec. 3-1-6 Uniforms.

All police officers shall wear the prescribed uniform and equipment at all times when on duty, unless otherwise ordered by a superior officer. No member of the police department shall go on duty unless he has in his possession and on his person all the necessary equipment to be used by him in the discharge of his duty. Uniforms shall be kept clean and pressed and footwear shall be kept clean and tidy at all times. (Code 1974, Sec. 3-113)

Sec. 3-1-7 Use of intoxicants.

No police officer while on duty or in uniform shall take or drink any intoxicant, including but not limited to beer, wine, or other alcoholic beverages. Any officer violating this section shall be subject to immediate dismissal from the department. (Code 1974, Sec. 3-114)

Sec. 3-1-8 Violations by police officers.

- (a) No police officer shall commit any of the following offenses:
- (1) any act of insubordination or disrespect towards a superior officer;
  - (2) neglect of duty;
  - (3) acts of oppression or tyranny against those under his command;
  - (4) willful maltreatment or unnecessary use of force against a prisoner or other person;
  - (5) neglect of or disobedience to orders;
  - (6) any state offense;
  - (7) absence without leave;
  - (8) immoral conduct, use of profane language, or conduct unbecoming an officer;
  - (9) conduct injurious to the public peace or welfare;
  - (10) absence from his post of duty during his hours on duty, when not necessary nor in the performance of duty;
  - (11) any other offense prohibited by the police department or by the city council of which the officer has or should have notice.

Sec. 3-1-9 Penalties.

Any police officer violating any ordinance or any rule or regulation of the police department or the city council, either presently in force or hereafter adopted, upon complaint being filed with and a hearing held by the council, shall be reprimanded, fined, suspended or dismissed by the council. Any one or more of these penalties may be imposed in the discretion of the council. No hearing by the council to determine if an officer has acted in violation of an ordinance, rule or regulation shall be held until the officer has had at least 14 days notice of such hearing. The

provisions of this section shall also apply to officers suffering from apparent mental or physical incapacity. (Code 1974, Sec. 3-116)

Sec. 3-1-10 Stolen, abandoned or impounded property.

- (a) All personal property coming into the hands of the police department which has been stolen or impounded or the ownership of which is unknown, shall be held for a period of 90 days awaiting claim by its owner. The chief of police will investigate in an attempt to determine the ownership of the property. The owner of the property, upon proving ownership and paying all expenses and costs, including reasonable charges for storage, shall have the right to have such property returned to him. If after the expiration of 90 days, the property is unclaimed and/or its ownership is undetermined, the chief of police will advertise the property for sale in the newspaper in which the legal advertisements of the city are printed. Such advertising shall take place at least 14 days before the date set for the sale and shall give a description of the property to be sold and the place of sale. If the property is still unclaimed by the time of the sale, it shall be sold as advertised and the proceeds shall be delivered to the city treasury.
- (b) Reasonable charges for storage of an automobile shall be a fee equal to \$10.00 plus \$1.00 for each day said vehicle has been kept in the impoundment area. Reasonable charges for storage of personal property other than automobiles shall be determined by the chief of police considering the size, type and probable value of the property but in any event that the chief of police shall consider that reasonable storage exceeds \$25.00, he shall obtain approval from the Mayor before assessing any charge for storage greater than \$25.00.
- (c) All payments for storage shall be paid to the City Treasurer.

## CHAPTER 2

## Fire Prevention and Protection

ARTICLE A  
Fire Department

- § 3-2-1 Fire chief and members.
- § 3-2-2 Interfering with equipment.
- § 3-2-3 Enforcement.
- § 3-2-4 Tampering with alarm system.
- § 3-2-5 Workers' compensation coverage for firefighters.
- § 3-2-6 Open burning.
- § 3-2-7 Fees
- § 3-2-8 Penalties
- § 3-2-9 through 3-2-20 reserved.

ARTICLE B  
Fire Prevention Code

- § 3-2-21 Fire prevention code adopted.
- § 3-2-22 Fire limits defined.

## ARTICLE A

## Fire Department

State Law Reference: Crossing over fire hose, O.C.G.A., Sec. 40-6-248; turning in false alarm of fire, O.C.G.A., Sec. 16- 10-27.

- Sec. 3-2-1 Fire chief and members.  
The fire department shall be headed by a fire chief and shall be composed of such other volunteer members and employees as may be determined necessary by the city council.
- Sec. 3-2-2 Interfering with equipment.  
No person other than a duly enrolled member of the fire department shall ride upon the fire trucks of the city at any time, nor use, borrow or interfere with any fire department equipment, or attempt to use the equipment at the scene of a fire unless authorized to do so by the fire chief.
- Sec. 3-2-3 Enforcement.  
Whenever the fire department is answering an alarm or operating at the scene of a fire or other emergency every enrolled member of the department is hereby empowered and authorized to control and direct

motor vehicle traffic, stop or move vehicles, and enforce all provisions of this article and any other code provisions the enforcement of which is deemed necessary to assist in the control of the fire or other emergency.

Sec. 3-2-4 Tampering with alarm system.

It shall be unlawful for any person or persons to willfully, maliciously or mischievously interfere or tamper with any fire alarm box or any of the appliances or apparatus connected therewith, located within the corporate limits.

Sec. 3-2-5 Workers' compensation coverage for firefighters.

All volunteer firefighters engaged in firefighting activities on behalf of the city are classified as city employees during the period of time that they are engaged in firefighting activities. (Ord. of 8/9/83)

State Law Reference: Authority to cover volunteer firefighters under Workers' Compensation, O.C.G.A., Sec. 34-9-1.

Sec. 3-2-6 Open burning.

Open burning is prohibited, with certain exceptions, in the city. The provisions of section 391-3-1.02(5) of the regulations promulgated by the Georgia Environmental Protection Division under the Georgia Air Quality Act, as amended from time to time, are hereby adopted and incorporated herein by reference. A copy of that regulation shall be kept on file by the city clerk for inspection by the public.

Sec. 3-2-7 Fees

The City Council shall prescribe fees for fire protection including temporary fees to finance capital outlay items. Fees may be set by motion in the usual course of business for each fiscal year. *Amended 1/13/2009*

Sec. 3-2-8 Penalties

(a) Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-1-5 of this code. *Amended 1/13/2009*

(b) All accounts or bills for fire fees shall be due and payable to the City of Pembroke by the utility account holder, on the 20<sup>th</sup> day of each month. Accounts that are delinquent on the 21<sup>st</sup> of each month will be assessed a penalty as set forth by motion in the usual course of business by the Mayor and Council. *Amended 1/13/2009*

Secs. 3-2-9 through 3-2-20 reserved.

## ARTICLE B

## Fire Prevention Code

- Sec. 3-2-21 Fire prevention code adopted.  
The edition of the Fire Prevention Code, recommended by the American Insurance Association, is hereby adopted in its entirety as a general ordinance of the city and is incorporated herein as fully as if set out at length herein. A copy of the fire prevention code shall be maintained in the office of the city clerk where it shall be available for public inspection.
- Sec. 3-2-22 Fire limits defined.  
The fire limits of the city are hereby defined as all that area within the city limits, as those limits now exist, or as they may hereafter be amended.

## CHAPTER 3

## Emergency Management

State Law Reference: Georgia cities of over 1,000 population to provide for emergency management by ordinance, O.C.G.A., section 38-3-27.

- § 3-3-1 Definition.
- § 3-3-2 Office of the city emergency management coordinator.
- § 3-3-3 Pembroke-Bryan County Emergency Management Organization.
- § 3-3-4 Emergency powers.
- § 3-3-5 Volunteers.
- § 3-3-6 Penalties.
- § 3-3-7 Liberality of construction.
- §§ 3-3-8 to 3-3-10 Reserved.

Sec. 3-3-1 Definition.

As used in this chapter the term "emergency management" shall mean the preparation for and the carrying out of all emergency and disaster functions other than those functions for which military forces or other state and federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters of manmade or natural origin. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to complete emergency and disaster preparedness for carrying out the foregoing functions. (Code 1974, Sec. 4-401)

Sec. 3-3-2 Office of the city emergency management coordinator.

- (a) In agreement with the governing officials, there is hereby established the Pembroke-Bryan County Emergency Management Office. The City Council of the City of Pembroke and the Board of Commissioners of Bryan County shall nominate, for appointment by the Governor, a Coordinator of Emergency Management for the City of Pembroke and Bryan County. When appointed, the emergency management coordinator is charged with the following duties:
- (1) To represent the governing officials of the city on matters pertaining to emergency management.
  - (2) To assist city officials in organizing city departments for

- emergency operations.
- (3) To develop, in conjunction with city departments and agencies, a plan for emergency functions set forth in section 3-3-1 of this chapter. Such plan will be in consonance with the state emergency operations plan and shall be submitted to the governing officials and thence to the state emergency management director for approval.
  - (4) To maintain the emergency management office in carrying out the day-to-day administration of the Pembroke-Bryan County emergency management and disaster program including the rendering of required reports to the state emergency management office.
  - (5) To render reports such as financial, daily activity, etc., as required by governing officials in keeping with good business practices.
  - (6) To procure, with the authority of governing officials, a facility to be used as the Pembroke-Bryan County Emergency Operations Center.
  - (7) To coordinate the activities of the Pembroke-Bryan County Emergency Operations Center staff during periods of a declared emergency, and under the supervision of Pembroke and Bryan County governing officials. (Code 1974, Sec. 4-402)

Sec. 3-3-3 Pembroke Bryan County Emergency Management Organization.

- (a) The Pembroke-Bryan County Emergency Management Organization shall be established around existing city and county departments and agencies, and the emergency functions for the city listed in section 3-3-1 are assigned as follows:

<u>DEPARTMENT</u>	<u>EMERGENCY FUNCTIONS</u>
Executive (city-elected officials)	Direction & control Public information Supply
Police (city police department)	Security Movement Search Communications Warning
Fire control (city fire department)	Fire control Rescue Damage assessment
Public works & engineering	Utilities & public services restoration Hazards analysis
Emergency management	Shelter; Radef; Rescue; Assistance in industrial & institutional emergency planning

- (b) Heads of departments listed above are responsible for developing the plan for their assigned emergency function. Such plans will be submitted through the emergency management coordinator to the mayor and governing officials of the city for approval. (Code 1974, Sec. 4-403)

Sec. 3-3-4 Emergency powers.

- (a) In the event of manmade or natural disaster, actual enemy attack upon the United States or any other emergency which may affect the lives and property of the citizens of the city, the mayor may declare that a state of emergency exists and thereafter shall have and may exercise for such period as such state of emergency exists or continues, the following emergency powers:
  - (1) To enforce all rules, laws, and regulations relating to emergency management and to assume direct operational control over all emergency management resources.
  - (2) To seize, take for temporary use, or condemn any property for the protection of the public.
  - (3) To sell, lend, give, or distribute all or any such property or supplies among the inhabitants of the city: to maintain a strict accounting of property or supplies distributed and of funds received for such property or supplies.
  - (4) To perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the city. (Code 1974, Sec. 4-404)

Sec. 3-3-5 Volunteers.

All persons, other than officers and employees of the city, performing emergency functions pursuant to this chapter, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as city officers and employees. (Code 1974, Sec. 4- 405)

Sec. 3-3-6 Penalties.

Any person violating any provision of this chapter or any rule, order, or regulation made pursuant to this chapter, shall, upon conviction thereof, be punished as provided by section 1-1-5. (Code 1974, Sec. 4-406)

Sec. 3-3-7 Liberality of construction.

This chapter shall be construed liberally in order to effectuate its purpose. (Code 1974, Sec. 4-407)

Sec. 3-3-8 to 3-3-10 Reserved