

PART 13

PUBLIC SAFETY

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CHAPTER 1

POLICE DEPARTMENT

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SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF

There shall be a Police Department, the head of which is the Chief of Police, or Police Chief, appointed by the Mayor and Board of Trustees and removable by the Mayor and Board of Trustees. The Chief of Police is an Officer of the Town, and has supervision and control of the Police Department. All Police Officers are Officers of the Town.

State Law Reference: Police Department and duties, *11 Okla. Stat. §34-101, et. seq.*

SECTION 13-302 DUTIES

It is the duty of the Police Department to apprehend and arrest on view or on warrant and bring to justice all violators of the Ordinances of the Town; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of Police Officers. The Police Department has charge of and operates the Town Jail, however, the Board of Trustees may arrange with the Board of County Commissioners for use of the County Jail.

SECTION 13-303 POLICE OFFICERS

Police Officers shall be appointed subject to approval by the Board of Trustees. Police Officers shall perform such duties as shall be required of them by the Chief of Police, Town Ordinances, federal, state and county regulations and any other action required in the maintenance of good order and public peace.

SECTION 13-304 ASSISTANCE TO ANOTHER COMMUNITY

Approval is hereby given for service of members of the regular Police Department of this Town as Police Officers of any other city, town or county, in an emergency situation, in the state not more than twenty-five (25) miles distance from the Town, when such service is requested by the Mayor or Chief of Police of the city or town, or sheriff of the county, in accordance with state law.

State Law Reference: Mutual Aid Agreements, *11 Okla. Stat. §34-103.*

SECTION 13-305 REIMBURSEMENT REQUIRED

Any municipality or county requesting and receiving service by members of the Police Department of this Town may reimburse this Town for the cost of the transportation to and from such municipality of the Officers so serving and the pro rata cost of their salaries, insurance and other benefits attributable to their service in such municipality or county.

SECTION 13-306 CONTRACT REQUIRED, EXCEPT IN PUBLIC EMERGENCY

Except in cases of extreme public emergency, no services shall be rendered hereunder to any municipality or county unless such service is in accordance with the terms of Section 13-305 to 13-307 of this Chapter. The Town's Chief of Police hereby is authorized to negotiate and execute contracts with the proper contracting officers of such municipalities or counties, which shall be on a reciprocal basis, thereby securing to this Town the service of members of the Police Departments of such municipalities or counties should an emergency arise necessitating such service here. All such contracts shall be submitted to the Town Board of Trustees for approval before effective.

SECTION 13-307 AUXILIARY POLICE FORCE

A. For the purpose of assisting the regularly constituted law enforcement officers of the Town, the establishment, organization and operation of an Auxiliary Police Force for the Town is hereby authorized and directed.

B. The Board of Trustees of the Town shall, as soon as practicable, hereafter promulgate rules and regulations for the organization, operation and maintenance of the Auxiliary Police Force authorized in Section 13-307(A).

When such rules and regulations are fixed by the Board of Trustees, they shall be reduced to writing and the same shall thereupon govern the membership, dues and functions of such Auxiliary Police Force.

C. The Chief of Police of the Town is hereby given authority over the Auxiliary Police Force authorized by this Section and the members thereof. His decisions in all matters shall be subject to review by the Town Board of Trustees.

1. The members of the Town Auxiliary Police Force shall be selected by the Board of Trustees of the Town, acting upon the recommendation of the Chief of Police. The Board of Trustees is hereby authorized to issue special officers' commissions to the members of such Auxiliary Police Force, but members of the Auxiliary Police Force shall not be authorized to act in such capacity except after due call.

2. While upon active duty, the members of the Auxiliary Police Force, holding special officer's commission, are hereby authorized to make arrests for violation of the provisions of this Code and other laws and regulations of the Town.

D. Members of the Auxiliary Police Force of the Town shall serve without compensation and shall not be considered members of the Police Department of the Town, and they shall not, under any conditions, become eligible for a pension from the Police Pension and Retirement Fund of the Town.

SECTION 13-308 MANDATORY POLICE RATE CHARGE

All persons residing within the Town limits utilizing utility services of the Town of Oologah shall pay a yearly fee of Sixty Dollars (\$60.00) for Police protection. Said yearly fee shall be paid monthly at the rate of Five Dollars (\$5.00) per month, said fee to be included on the monthly water bills.

CHAPTER 4

EMERGENCY MANAGEMENT AGENCY

Section 13-401	Purpose of Emergency Management Agency
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Section 13-405	Emergency Management Director; Emergency Powers
Section 13-406	Mayor to Terminate Emergencies
Section 13-407	Enforcement of Laws and Ordinances
Section 13-408	Service without Compensation; Not Liable for Injuries

SECTION 13-401 PURPOSE OF EMERGENCY MANAGEMENT AGENCY

The purpose of this Chapter is to create an Emergency Management Agency for the Town to be prepared for, and to function in the event of emergencies endangering the lives and property of the people of the Town. The duty of the Emergency Management Agency shall be the protection of the lives and health of the citizens of the Town and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

SECTION 13-402 EMERGENCY MANAGEMENT AGENCY CREATED

There is hereby established under the Executive Branch of the government of the Town the Emergency Management Agency which shall consist of:

1. An Emergency Management Director who shall be appointed by the Mayor of the Town and serve at his pleasure and to be removed by written dismissal by the Mayor. The Emergency Management Director and all persons acting by, through or under him shall serve without pay from the Town; and
2. An Emergency Management Advisory Committee. This Committee shall consist of the Mayor as Mayor and five (5) members appointed by the Mayor and serving at his pleasure. The Committee shall select from its members a Vice-Mayor and Secretary. It shall hold such meetings as are directed by the Mayor or the Emergency Management Director, and its function shall be to act in an advisory capacity as needed or requested by the Mayor or the Emergency Management Director.

SECTION 13-403 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES

The Emergency Management Director shall be the executive head of the Emergency Management Agency and shall be responsible for carrying out the Emergency Management Program of the Town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the Emergency Management Director as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this Chapter. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the Mayor or Chief Officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all Emergency Management Agencies of other governmental units, including the State and the Federal Government.

SECTION 13-404 EMERGENCY MANAGEMENT DIRECTOR; FURTHER POWERS AND DUTIES

The Emergency Management Director is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the Emergency Management Agency. All his acts shall be under the direction and authority of the Mayor and Town Board of Trustees.

SECTION 13-405 EMERGENCY MANAGEMENT DIRECTOR; EMERGENCY POWERS

In the event of any enemy-caused emergency or emergency resulting from natural causes, the Emergency Management Director after due authorization from the Mayor shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies, emergency management agencies, or civil defense organizations. If required by the Mayor, the Emergency Management Director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the Town.

SECTION 13-406 MAYOR TO TERMINATE EMERGENCIES

The state of emergency and power exercised thereunder shall terminate upon authority of and by written notice to that effect by the Mayor to the Emergency Management Director in the exercise of his power and discretion as the Principal Officer of the Town. All powers of the Mayor shall be exercised by the Vice Mayor in his absence from the Town or his inability to act, all as provided by law.

SECTION 13-407 ENFORCEMENT OF LAWS AND ORDINANCES

The Emergency Management Director and other members of the Emergency Management Agency created by him shall have the power and authority to enforce the laws of the State and Ordinances of the Town during the period of emergency, and shall at such time have the further power to make arrests for violations of such laws or Ordinances.

SECTION 13-408 SERVICE WITHOUT COMPENSATION; NOT LIABLE FOR INJURIES

All members of the Emergency Management Agency created hereunder shall serve without compensation; and the Town shall not be liable for any personal injury received by any member of such organization while acting in line of duty.

CHAPTER 5

UNCLAIMED PROPERTY IN CUSTODY OF POLICE

Section 13-501	Stolen Property and Abandoned or Unclaimed Property
Section 13-502	Disposition of Personal Property or Money or Legal Tender
Section 13-503	Finder's Fee

SECTION 13-501 STOLEN PROPERTY AND ABANDONED OR UNCLAIMED PROPERTY

All stolen property recovered by the Police of the Town and all abandoned or unclaimed property that comes into the possession of the Police, shall be turned over to the Chief of Police who shall return the same to any person making satisfactory proof of title.

State Law Reference: Finders of lost goods, see *15 OS Section 1971, Sections 511, et seq.*; As regards disposal of stolen or embezzled property coming into hand of police officers, see *22 OS Section 1971, Sections 1321, et seq.*; As regards disposal of liquor and gambling equipment seized by Policemen, see *22 OS Section 1971, Sections 1261, et seq.*

SECTION 13-502 DISPOSITION OF PERSONAL PROPERTY OR MONEY OR LEGAL TENDER

A. The Chief of Police is authorized to dispose of personal property or money or legal tender as provided in this Section, which has come into his possession in any manner, if:

1. The owner of the personal property or money or legal tender is unknown or has not claimed the property;
2. The property or money or legal tender has been in the custody of the Chief of Police for at least six (6) months; and
3. The property or money or legal tender, or any part thereof, is no longer needed to be held as evidence or for any other purpose in connection with any litigation.

B. The Chief of Police shall file an Application in the District Court in which the situs of government of the municipality is located requesting the authority of said Court to conduct a sale of such personal property which has a fair market value of more than its face value. Said Chief of Police shall attach to his Application a list describing such property, including any identifying numbers and marks, the date said property came into his possession, and the name of the owner and the person in last possession, if different, and his address, if known.

C. In any instance where said property has an actual or apparent value of more than Twenty-five Dollars (\$25.00), at least ten (10) days prior to the date of said hearing, notice of said hearing shall be sent by certified mail to each owner at his address as listed in said Application. If the owner of any property with an actual or apparent value exceeding Five Hundred Dollars (\$500.00) is unable to be served notice by said certified mail, notice shall be provided by one publication in the local newspaper. Said notice shall contain a brief description of the property of said owner and the place and date of the hearing. Said notice shall be posted at the assigned place for posting of municipal notices, and at two (2) other public places in the municipality.

D. If no owner appears and establishes ownership to said property at the hearing, and if the Court enters an Order authorizing the Chief of Police to sell said personal property for cash to the highest bidder, the Chief of Police shall give at least five (5) days' notice of said sale by publication in a local newspaper. The Chief of Police shall make a return of said sale and the Order of the Court confirming said sale shall vest title to said property in the purchaser. After payment of Court costs and other expenses, the remainder of money received from the sale of said personal property shall be deposited in the municipal general fund.

E. All money or legal tender which has come into the possession of the Chief of Police pursuant to the circumstances provided for in Subsection A of this Section shall be transferred by the Chief of Police to the Municipal Clerk for deposit in the municipal general fund. Prior to any such transfer, the Chief of Police shall file an Application in the District Court requesting the Court to enter an Order authorizing him to transfer said money for deposit in the municipal general fund. The Application shall describe the money or legal tender, any serial numbers, the date the same came into his possession, and the name of the owner and his address, if known. Upon filing the Application, which may be joined with an Application as described in Subsection B of this Section, a hearing shall be set not less than ten (10) days nor more than twenty (20) days from the filing of the Application. Notice of said hearing shall be given as provided for in Subsection C of this Section. The notice shall state that upon failure of anyone to appear to prove ownership to said money or legal tender, the Court shall Order the same to be deposited in the municipal general fund. The notice may be combined with a notice to sell personal property as provided for in Subsection B of this Section. If no one appears to claim and prove ownership to said money or legal tender at the hearing, the Court shall Order the same to be transferred to the municipal general fund as provided in this Subsection.

F. The provisions of this Section shall not apply to any dangerous or deadly weapons, narcotic or poisonous drugs, explosives, or any property of any kind or character, which the possession of is prohibited by law. By Order of the Trial Court, any such property filed as an exhibit or held by the municipality shall be destroyed or sold or disposed of, pursuant to the conditions prescribed in such Order.

SECTION 13-503 FINDER'S FEE

The Town of Oologah provides that Ninety-Nine Percent (99%) of the money or legal tender deposited in the municipal general fund as provided above may be paid as a finder's fee for services rendered to any person who found the unclaimed personal property, money or legal tender and delivered it to, or registered it with, the Chief of Police.