

AN ORDINANCE TO ADOPT A CHAPTER FOR LAW ENFORCEMENT

Whereas, S.C. Code § 5-7-30 authorizes municipalities to enact ordinances pertaining to Law Enforcement; and

Whereas, S.C. Code § 5-7-260 states municipalities shall establish departments by ordinance; and

Whereas, The Town of Pacolet is committed to preserving health, peace, and order necessary and proper for the security and general welfare of its citizens;

THEREFORE, BE IT ORDAINED BY MAYOR AND TOWN COUNCIL OF THE TOWN OF PACOLET, SOUTH CAROLINA AS FOLLOWS:

**Police department established.**

(a) There is hereby established a town police department to be headed by a police chief who shall be appointed by the Town Administrator with the approval of council.

(b) The department shall consist of such officers and employees as approved by the council.

State Law reference— Municipal authority concerning law enforcement, S.C. Code 1976, § 5-7-30; municipal authority concerning police officers, duties and salaries, S.C. Code 1976, § 5-7-110, Acts of municipal council which are required to be done by ordinance S.C. Code § 5-7-260.

**Police department.**

(a) The police department for the town shall be charged with the responsibility for providing police protection and law enforcement. Sworn officers of the police department shall be vested with all powers and duties conferred by law including the powers provided under S.C. Code 1976, § 5-7-110 and the power of arrest as provided in S.C. Code 1976, § 17-13-40.

(b) The police department shall be under the direction of the police chief who shall be a department head selected and supervised by the town administrator.

(c) The police powers of the town are hereby extended to include all lands or property owned or leased by the town or any agency of the town. The ordinances of the town shall be applicable on such property.

(d) The police chief shall be the chief executive officer of the police department and it is the person's duties to direct the preservation of order in the town with enforcement of rules, regulations and ordinances of the town. The police chief is also responsible for the enforcement of federal and state law within the town. The police chief ensures that all policies are promptly executed within the police department.

(e) All personnel under the police department engaged in direct law enforcement shall be sworn officers who shall take and substantially abide by an oath of office to enforce the law and uphold the nation's Constitution, and basic laws of the land and those of the town. All sworn officers shall also abide by the Standards of Conduct and Ethical Standards adopted by the police department and any amendment thereto.

**Police Chief**

With the approval of council, the Town Administrator shall appoint a police chief in accordance with the provisions of state law. The police chief shall be responsible to the council through the town administrator for the direction of all law enforcement activities within the corporate limits of the town. The police chief shall direct the assignment of law enforcement personnel, establish training programs, establish procedures pursuant to this chapter and shall promulgate administrative regulations having to do with the operation of the police department and shall cooperate with all other law enforcement agencies as may be provided by this chapter or other valid laws, regulations or directives. The police department will operate as a town department, like all other town

departments, with the police chief reporting to the town administrator on a day-to-day basis, and ultimately answerable to the town council through the administrator. All officers, reserve officers, part time officers, volunteers, and staff of the police department will be town employees, subject to all rules and regulations of the town, including, without limitation, the personnel policies and regulations of the town.

**Police Chief duties prescribed.**

Other than those duties and powers already granted in this Code, the chief of police shall:

- (1) Serve and return writs and processes;
- (2) Suppress all riots, disturbances and breaches of the peace; apprehend all disorderly persons; arrest any person fleeing from justice; and apprehend any person in the act of violating the laws of the state or this Code and bring such violator before competent authority for examination and trial; and
- (3) Render such accounts of the police department, his duties, department operations and receipts as may be required by the council and keep records of the department and his office open to public inspection at all reasonable times.

**Sworn Officers**

All personnel tasked with law enforcement shall be sworn officers who shall take and substantially abide by an oath of office to enforce the law and uphold the nation’s constitution and basic laws of the land and those of the town. All sworn officers shall also abide by the Codes of Conduct and Ethics adopted by the department of police and any amendment thereto.

**Sworn officers Powers, duties and functions.**

- (a) All sworn police officers of the town shall be invested with all the powers and subject to all the duties conferred by law upon constables.
- (b) In addition to any other duties and functions prescribed by ordinance, the police department shall:
  - (1) Provide protection for persons and property against unlawful acts;
  - (2) Provide police patrol services, in all areas of the town;
  - (3) Investigate crimes;
  - (4) Apprehend, arrest and assist in the prosecution of perpetrators of crimes; and
  - (5) Maintain an active crime prevention and control program.

State Law reference—the power of arrest as provided in S.C. Code 1976, § 17-13-40.

ADOPTED IN COUNCIL DULY ASSEMBLED this \_\_\_\_ day of \_\_\_\_\_, 2023

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Mayor

ATTEST:

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Town Clerk

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First Reading

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Second Reading

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