

## THE FOURTH CLASS CITY ACT (EXCERPT)

### Act 215 of 1895

#### CHAPTER XII

#### POLICE.

##### 92.1 Policemen; watchmen.

Sec. 1. The council of any city may provide, by ordinance, for a police force and for the appointment by the mayor of such number of policemen and nightwatchmen as they may think necessary for the good government of the city and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3116;—Am. 1907, Act 320, Eff. Sept. 28, 1907;—CL 1915, 3030;—CL 1929, 1954;—CL 1948, 92.1.

**Constitutionality:** There was no state or federal constitutional violation by the police in the impoundment and inventory of the defendant's car. The impoundment was in accord with departmental procedures and the procedures were within the constitutionally mandated authority of the municipality. *People v Krezen*, 427 Mich 681; 397 NW2d 803 (1986).

##### 92.2 Policemen; rules, regulations; temporary appointments.

Sec. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council shall not continue longer than 3 days.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3117;—CL 1915, 3031;—CL 1929, 1955;—CL 1948, 92.2.

##### 92.3 City marshal; duties.

Sec. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3118;—CL 1915, 3032;—CL 1929, 1956;—CL 1948, 92.3.

##### 92.4 Police officers; powers; duties.

Sec. 4. Under the direction of the mayor and chief of police, and in conformity with the ordinances of the city and laws of this state, the police shall suppress riots, disturbances, and breaches of the peace; pursue and arrest a person fleeing from justice in any part of the state; apprehend a person in the act of violating a law of this state, or an ordinance of the city, involving a breach of the peace, and, unless the violation constitutes a civil infraction, take the offender before the proper court or magistrate, to be dealt with for the violation; make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city or the penal laws of the state or to be responsible for a violation of an ordinance or law of this state designated as a civil infraction; diligently and faithfully to enforce all laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and serve process directed or delivered to them for service. For such purposes, the chief of police and every police officer have the powers of constables and may arrest, upon view and without process, a person in the act of violating an ordinance of the city involving a breach of the peace, unless the violation constitutes a civil infraction, or of committing a violation of a criminal law of this state. The chief of police and a police officer may serve and execute process in a proceeding for a violation of an ordinance of the city, and also any other process that a constable may serve.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3119;—CL 1915, 3033;—CL 1929, 1957;—CL 1948, 92.4;—Am. 1994, Act 19, Eff. May 1, 1994.

##### 92.4a Police officer or constable; authority to execute bench warrant.

Sec. 4a. A police officer of a city or, if authorized by the city council, a constable of a city has the same authority within the city as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

**History:** Add. 1992, Act 49, Imd. Eff. May 12, 1992.

## **92.5 Police force; fees, compensation; monthly report.**

Sec. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report and the names of the persons from whom received, and the amount received from each.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3120;—CL 1915, 3034;—CL 1929, 1958;—CL 1948, 92.5.

## **92.6 Police force; suspension, removal.**

Sec. 6. The mayor may suspend any policeman or nightwatchman on the complaint in writing and under oath of any citizen or on his own motion for a period of not longer than 30 days for neglect of duty, misconduct, or other sufficient cause. At a public hearing before such mayor, as provided for in section 3 of chapter 7 of this act, if such mayor shall be satisfied of the guilt of such policeman or nightwatchman, then it shall be the duty of such mayor to remove such officer from office. After such removal the mayor shall report such action to the council at its next regular meeting and his reasons therefor.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3121;—Am. 1899, Act 136, Imd. Eff. June 21, 1899;—Am. 1907, Act 320, Eff. Sept. 28, 1907;—CL 1915, 3035;—CL 1929, 1959;—CL 1948, 92.6.

**Compiler's note:** For provisions of section 3 of chapter 7, referred to in this section, see MCL 87.3.