

ORDINANCE NO. 15.

An ordinance establishing and regulating the police department, of the city of Payette.

Be it ordained by the Mayor and Council of the City of Payette:

Section I. There shall be and is hereby established a police department for the City of Payette, which shall consist of a marshal, who shall be ex-officio chief-of-police, and such ~~assistant~~ police officers as may be appointed from time to time, by the mayor subject to the approval of the council.

Section II. The marshal and assistant police officers shall hold such positions from the time of entering upon their duties until the end of three months following the time of their several appointments, and until their successors are duly appointed and qualified, unless sooner removed by a vote of a majority of the city council, for good cause shown.

Section III. The councilmen, marshal and assistants, of the city as conservators of the peace, shall have the power to arrest, or cause to be arrested, with or without process, and to take before the police magistrate, all persons, who shall break, or threaten to break the peace, and may commit such person to jail or other safe place, in default of proper bail being furnished. They or either of them shall have power to arrest, or cause to be arrested, as aforesaid, all persons who shall be found in the act of violating any ordinance, or who may be reasonably suspected of committing any crime, or having committed any crime or misdemeanor, or having violated any ordinance in the city for the preservation of the peace and good order thereof, and shall have the power to, detain or cause to be detained, any person in custody, in the city jail, or other safe place in the city, over night and during any Sunday or legal holiday, and until such person can be duly examined and tried by the proper officer, whenever it may be impracticable to bring such person before such officer.

Section IV. The marshal shall be chief of the acting police, and all assistant police officers shall be in subordination to him, and subject to his orders, except in cases otherwise provided for by ordinance.

It shall be his duty to cause the public peace to be preserved, and to see that all laws and ordinances are enforced within the city limits, and when any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made, and ~~to~~ see that all possible evidence is procured for the successful prosecution of offenders.

Section V. It shall be the duty of the assistant police officers to aid and assist the marshal in the execution of his duties herein enjoined, and they and the marshal, or either of them, shall have the power and authority in the city, to execute warrants and other process, for the apprehension or commitment of persons charged with, or held for examination or trial, or taken in custody for the commission of any crime or misdemeanor, or violation of any law or ordinance of the City of Payette, and while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with, and have all the powers and authority conferred at common law, and by the laws of the State of Idaho.

Section VI. Any police officer who shall neglect or refuse to perform any duty required of him by ordinance, or who shall, in the discharge of his official duties, be guilty of any fraud, extortion, partiality, oppression, favoritism, or willful wrong of any kind, shall forfeit and pay a penalty of not less than fifty nor more than one hundred dollars for each and every offense.

Section VII. Any person appointed to the office of marshal or assistant poli<sup>ceman</sup> of the City of Payette, shall be a white citizen of the United States and a qualified elector of the City of Payette, at the time of his appointment to such office.

Section VIII. Any person who shall in any manner assist any person in the custody of a police officer, or deputy or conservator of the peace of the City of Payette, to escape, or attempt to escape from such custody, or shall rescue or attempt to rescue such person, shall be fined in a sum not less than fifty and not more than one hundred dollars for each such offense.

Section IX. Any person in the City of Payette, who shall be requested by a police officer, or member of the police department thereof, to assist him in making an arrest, capture or retaining in custody any person, and shall refuse and fail to render, to the best of his ability such aid so required, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars.

Section X. Any person arrested with, or without warrant for any offense under any ordinance, may be admitted to bail by executing a bond to the State of Idaho, with sufficient sureties, to be approved by the police magistrate, in double the amount of the highest penalty for the offense charged, conditioned that he will appear on the day named therein, before the police magistrate, and answer the charge for which he has been arrested, and not depart the court without leave, which bond shall be attested by the police magistrate, and filed in his office. Said bond may be in the following form, to-wit:

Know all men by these presents: That we, A. B. and C. D. are jointly and severally bound unto the people of the State of Idaho in the sum of \_\_\_\_\_ Dollars, for the payment of which, we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1905

The conditions of the obligation are such, that, whereas, <sup>above</sup> the above bounden, A. B. has been arrested by X. Y. (Marshal or police officer as the case may be,) for the City of Payette, charged with the violation of an ordinance of said city, entitled (here ~~is~~ insert title thereof,) in this, to-wit: (Here describe the particular breach, in the language of the ordinance) on the \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_. Now, if the said A. B. shall personally appear before N. B., the police magistrate of the City, of Payette, at his office on the \_\_\_\_\_ day of 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M., and shall remain and abide the order of said police magistrate and not depart without leave, then this bond shall be void; otherwise to remain in full force and virtue.

A. B. (Seal.)  
C. D. (Seal.)

Acknowledged before me, N. B. police magistrate for the City of Payette.

To which bond, thus executed and acknowledged, the person making the arrest shall make a statement and endorse thereon in effect as follows:

A. B. to City of Payette, Dr.

To \_\_\_\_\_ Dollars for breach of ordinance as specified in the above and foregoing bond.

Payette, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_

X. Y.  
Marshal or Police.

The amount in said bond shall in no case exceed two hundred dollars. If the principal in said bond shall fail to appear according to the conditions thereof, or appearing, shall depart from the court room without leave, the police magistrate shall note such fact upon the bond and issue a summons in behalf of the State of Idaho against the parties liable thereon.

Upon the trial of such cause, the same defense shall be allowed for the non-appearance of the principal that is allowed under the general laws of this state in like cases, before a justice of the peace.

Section XI. All ordinances in conflict with this ordinance are hereby repealed.

Passed and approved this 9 day of Jan A. D. 1903.

J. M. Latoris  
Mayor.

Attest:

Leo W. Baker  
Clerk.