

# Village of Lake Isabella - Codified Ordinances

## Article II – Village Administration

### **Chapter 266 – Department of Public Safety**

Ordinance 2011-13; September 27, 2011

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#### **266.01 DEPARTMENT OF PUBLIC SAFETY ESTABLISHED**

There is hereby created and established the Department of Public Safety for the Village of Lake Isabella (sometimes called the “DPS”). The Village Council may further the duties and requirements of the DPS by employment of Village personnel or via a contracted service with another unit of government, or any combination of personnel or service contract to meet the needs of the community and citizens of the Village of Lake Isabella.

#### **266.03 DUTIES AND RESPONSIBILITIES**

The Department of Public Safety shall perform all of the duties and responsibilities of the police and fire services of the Village of Lake Isabella and shall have all of the powers, duties and responsibilities conferred upon the police and fire services by virtue of the Charter and ordinances of the Village and by laws and statutes of the State of Michigan, and shall have such other and additional powers, duties and responsibilities as may be lawfully imposed upon it by the Village Council as well as by any administrative directive, resolution, rule, ordinance, Charter provision, law, or statute. DPS personnel charged with law enforcement duties shall enforce the laws of the State of Michigan, codes and regulations of the County of Isabella, and the ordinances and codes of the Village of Lake Isabella within the Village limits. The DPS and its officers shall with the requirements set forth by the State of Michigan and Michigan Commission on Law Enforcement Standards (MCOLES).

#### **266.05 POSITIONS CREATED**

There is hereby created the administrative office of Director of Public Safety who shall be the administrator and head of the Department of Public Safety. The Director of Public Safety shall combine the administrative offices and positions of the Chief of Police and Chief of the Fire Department. The Director of Public Safety shall have all of the duties, responsibilities and functions conferred upon a Chief of Police and Chief of the Fire Department. He/she shall in addition thereto have such powers, duties and responsibilities as shall from time to time be lawfully conferred upon

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him/her by the Village Manager and by law generally. Wherever any statute, ordinance, municipal regulation or law shall require a duty or responsibility of the Chief of Police or Chief of the Fire Department, such duties and responsibilities shall be assumed and performed in the Village by the Director of Public Safety. The Village Manager may also act administratively as the Director of Public Safety, but shall have no additional law enforcement authority unless he/she has a valid MCOLES certification.

### **266.07 APPOINTMENT OF DIRECTOR OF PUBLIC SAFETY**

The Director of Public Safety shall be appointed by the Village Manager. The Director of Public Safety may appoint such deputies and officers as he/she may deem necessary for the proper and efficient operation of the Department of Public Safety.

### **266.09 DEPARTMENT REGULATIONS**

The Village Council, subject to the pertinent provisions of the Charter of the Village, shall from time to time adopt such rules and regulations as it may deem expedient for the proper administration of the Department of Public Safety and the duties, responsibilities and privileges of Public Safety Officers. Such regulations shall become effective twenty-four (24) hours after they are posted on a bulletin board in the office of the Director of Public Safety.

### **266.11 IMPOUNDED OR LOST PERSONAL PROPERTY**

Any personal property that shall be impounded by, or that may otherwise come into the possession of, the Village of Lake Isabella or any of its officers, employees, or agents shall be held and disposed of as provided in this section or as otherwise allowed by law.

All such property shall be immediately turned over to the Director of Public Safety, who shall be the custodian thereof, and it shall be his/her duty to provide storage for such property until the same shall have been reclaimed by the owner or sold as provided herein. All money and negotiable securities shall be promptly turned over by the Director of Public Safety to the Village Treasurer for safekeeping, and if not reclaimed within the forty-five (45) day period provided for below, such securities shall be converted to cash and shall be deposited in the general fund along with other moneys so turned over to the Village Treasurer.

Upon receipt of any such property, the Director of Public Safety shall make diligent efforts to locate the rightful owner thereof and to return such property to such owner where applicable. No property shall be surrendered by the Director of Public Safety until any and all charges for taking possession, keeping and storing such property shall be paid. Before surrendering any such property, the Director of Public Safety shall require such evidence of ownership as may be appropriate in each case. In the event the name and post office address of the owner of any such property is known, notice of the retention of such property, of the requirements of this section pertaining to the sale thereof on the event it shall remain unclaimed within forty-five (45) days, and of the limitation on the right of the owner to reclaim such property, as

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set forth in this subsection, shall be given by the Director of Public Safety to such owner by certified mail, return receipt requested.

Any such property (other than money and negotiable securities), which shall remain unclaimed for a period of forty-five (45) days, or which shall not be returned to the owner thereof within such period because of the owner's failure, refusal or neglect to pay the charges for taking possession, keeping and storing such property, as hereinbefore set forth, shall be considered as abandoned property and shall be sold at public auction. Where the name and a post office address of the owner of such abandoned property is known, the Director of Public Safety shall give to such owner not less than ten (10) days written notice of the time and place of such sale, by certified mail, return receipt demanded, directed to such owner at his last known post office address. Notice of such sale shall also be published in two consecutive issues of a newspaper of general circulation in the Village of Lake Isabella. The Director of Public Safety, or his/her deputy, shall conduct the sale and shall sell such property at the best price possible.

All proceeds of such sales shall be promptly turned over to the Village Treasurer for deposit in the general fund of the Village. The Director of Public Safety (or his/her deputy) shall deliver bills of sale and such other papers as may be necessary to transfer property title of any property sold at such sale. The owner of any such property may not purchase the same at an auction sale unless the price bid and paid therefore shall be sufficient to cover all costs of taking possession of, keeping, storing and selling such property.

Upon the sale of any such property, all rights of the owner therein shall be extinguished, and such owner shall thereafter have no claim upon such property (nor for the value thereof), against the Village of Lake Isabella or any of its officers, agents or employees or against any person who shall purchase such property at auction sale.

In the case of the sale of any abandoned motor vehicle, the Director of Public Safety shall notify the Secretary of State of such abandonment, and the proceedings for such sale shall be in accordance with the provision of Section 252 (b) of Act No. 300 of the Public Acts of 1949 as amended, known as the Michigan Vehicle Code. Any surplus received at such sale, after costs of the sale and all charges for taking possession, keeping and storing have been deducted, shall be returned to the owner of such vehicle.

Unless necessary for preserving evidence for a trial or other proceeding, the Director of Public Safety may destroy gambling paraphernalia, any dangerous weapons or other articles that may be dangerous to store, and any perishable goods for which storage may be impracticable, or shall otherwise dispose of them according to law.

The Director of Public Safety shall maintain accurate records of all personal property impounded by or coming into the possession of the Village or any of its officers, agents or employees, which records, among other things, shall show a brief

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description of each item; the name and last known post office address of the owner thereof if known; a copy of all notices mailed and published, to which the return receipts from any certified mail shall be attached; the cost of taking possession, keeping and storing such property; if reclaimed, the person to whom the property was delivered and the amount received therefore; if sold, the name and address of the purchaser and the amount paid therefore; and such other information as may be appropriate.