

## **Chapter 14 POLICE DEPARTMENT\***

### **ARTICLE I. IN GENERAL**

#### ***Section 14-1. Composition.***

The police department shall consist of a chief and such captains, lieutenants, lieutenant inspectors, sergeants, inspectors and patrol persons as the mayor, and city council, shall authorize. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 1)

#### ***Section 14-2. Appointment of chief, other police officers.***

The chief of police and other police officers shall be appointed by the mayor, subject to confirmation by the board of aldermen, in accordance with the provisions of the civil service law of the Commonwealth and the rules of the department of civil service. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 2)

#### ***Section 14-3. Rank, removal of police officers.***

Police officers shall take rank in the order in which they are named, and shall hold their respective offices until removed for cause by the mayor. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 3)

#### ***Section 14-4. Oath of members.***

Each police officer shall be sworn to the faithful discharge of his duties. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 4)

#### ***Section 14-5. Physical, mental examination of police officers.***

Before confirming any person to be a police officer, such person shall be examined both physically and mentally by doctors provided by the city who shall report their examination to the mayor. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 5)

#### ***Section 14-6. Duties of police officers generally.***

Each regular police officer shall make note of all obstructions, nuisances and defects in the streets or ways, and if practicable, remove such as are unauthorized. When removal is impracticable the police officer shall notify the Officer-in-Charge immediately. The police officer shall make note of broken, unlighted or defective street lights. He shall make note of and report on all matters affecting the health or safety of the public, to the chief of police, or the Officer-in-Charge, who shall call the same to the attention of the mayor, or the proper administrative officer or department as the circumstances may require. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 12)

State law reference(s)--Powers and duties of municipal police officers, MGL. c. 41, § 98.

#### ***Section 14-7. Enforcement of laws, ordinances, etc.***

It shall be the duty of all police officers to enforce the laws of the Commonwealth, the laws and ordinances of the city, and do or perform such other acts as may be connected with their office or incidental thereto.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 13)

State law reference(s)--Similar provisions, M.G.L. c. 41, § 98.

***Section 14-8. Daily report to police station.***

Each police officer shall report at the police station for roll call at least once on each assigned work day except that, for cause, the chief of police may excuse a member therefrom. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 14)

***Section 14-9. Uniforms and equipment.***

All police officers, except plainclothesmen, shall wear the prescribed police uniform and badge while on duty and any other equipment as may be prescribed by the chief of police. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 15)

State law reference(s)--Appropriations for uniforms, etc., for members of municipal police departments, M.G.L. c. 41, § 6B.

***Section 14-10. Special police.***

The mayor may appoint, subject to confirmation by the board of aldermen, such special police officers to serve with or without pay, as he may designate, for special duty, and may limit their sphere of duty and their time of service. The persons so appointed shall be subject to the provisions of the city ordinances and laws of the Commonwealth, so far as the same are applicable, and to all rules and regulations prescribed for the administration of the police department, if and when they receive compensation as such officers, from the city. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 19)

Cross reference(s)--Inspector of weights and measures to be special police officer, § 21-22.

***Section 14-11. Chaplains.***

The mayor may appoint clergymen to serve without pay as chaplains of the police department for a period of one (1) year from date of appointment.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 20)

***Section 14-12. School traffic supervisors.***

- (a) School traffic supervisor appointments, shall be made by the officer in charge of the traffic division, under the direction of the chief of police.
- (b) Such traffic supervisors shall have the authority of regular police officers in the enforcement of M.G.L. Chapter 90 other laws, and the ordinances of the city relating to the control of vehicular traffic. They shall observe all the rules and regulations of the police department not inconsistent with their authority and duties. Such traffic supervisors shall be under the charge and direction of the chief of police.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 21; Ord. of 8-2-76; Ord. of 10-7-76; Ord. of 11-8-82)

Cross reference(s)--Traffic and motor vehicles, Ch. 18.

***Section 14-13. Commanding officer in absence of chief.***

The senior officer, next in rank to that of the chief of police, shall, in the absence of the chief, be in command of the police department. The salary and benefits shall be as the position he fills. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 23)

***Section 14-14 Residency Requirement.***

- (a) Any permanent full-time police officer hired on or after January 1, 2012 shall establish his or her residency within the City of Everett within one hundred eighty (180) days of his or her date of hire, and at a minimum, shall remain a resident of the City through their tenth anniversary date of hire, at which time at such employee's sole discretion, such employee may establish residency either within or outside of the City, provided however, the establishment of such residency is in accordance with Massachusetts General Laws, Chapter 41, Section 99A.
- (b) Each and every permanent full-time police officer hired on or after January 1, 2012, on each and every anniversary date of hire, through and including such employee's tenth anniversary date, shall submit to such employee's Department Chief and the City Personnel Department proof of residency within the City satisfactory to the Department Chief and Personnel Department.
- (c) Any permanent full-time police officer employed by the City prior to January 1, 2012, including any such police officer, shall be exempt from this residency ordinance.
- (d) Any permanent full-time police officer who wishes to laterally transfer into the City of Everett Police Department and who is employed by a Commonwealth of Massachusetts community which has adopted Massachusetts General Laws, Chapter 31, and any permanent full-time police officer who has been Reduced In Force by such a community and whose name appears on the Chapter 31 rehire list shall be exempt from this residency ordinance.

**Secs. 15-29. Reserved.**

**ARTICLE II. POLICE CHIEF\***

***Section 14-30. Appointment, term of office, vacancy.***

In accordance with the provisions of chapter 417 of the Acts of 1991 and sections 29, 35 and 40 of the Charter, the mayor shall appoint a chief of police subject to confirmation by the board of aldermen. The chief of police shall hold office for three (3) years from the date of his appointment and confirmation. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. (Ord. of 2-3-92)

***Section 14-31. Duties generally.***

- (a) The chief of police shall be the head of the department subject to the general supervision and control of the mayor and responsible for the discipline and efficiency thereof. All police officers and members of the department, shall be under the control of the chief of police. He shall enforce the special laws relating to the city, the ordinances of the city council, the orders of the mayor, and the rules and regulations of the board of health.
- (b) He shall make proper rules and regulations, subject to the approval of the mayor, for the administration of the department.
- (c) At any time when specially required, he shall make a written report to the mayor of the doings of the department, and of any misconduct, neglect of duty or want of efficiency on the part of any member.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 6; Ord. of 6-28-76)

***Section 14-32. In charge of complaints; appearance in court.***

The chief of police shall have charge of all complaints made to the police department by citizens or by any police officer thereof for any breach of the criminal law and the ordinances of the city, and he or his designee shall appear in court and prosecute all violations thereof. (Rev. Ords. 1976, Pt. 2, Ch. 13, § 7)

***Section 14-33. Record of arrests; disposition of complaints.***

- (a) The chief of police shall keep a record, with a suitable index, of all persons arrested, with the name of the arresting officers, and the place of birth, age, height, complexion, residence and offense of the person arrested, with such other description or data as may be useful for identification.
- (b) When complaints are made, the chief of police shall make a record of the result thereof.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 8)

***Section 14-34. Administrative duties.***

- (a) The chief of police shall have general charge of the police headquarters, which shall be open day and night, and of all the property of the police department and be responsible for the good order and condition thereof.
- (b) His office shall be at the police station.
- (c) The chief of police shall keep a record of all duties performed by each police officer, and all absences from duty with causes thereof.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 10)

***Section 14-35. Investigation, records of accidents.***

- (a) The chief of police, as soon as he is informed of any injury or accident to persons or property on any street or way, shall investigate or cause the same to be investigated immediately by a police officer, and ascertain and examine the exact place of the accident, its condition and the cause thereof, and the names and evidence of all persons who may have seen the same.
- (b) He shall keep a full record of such investigations, and of all facts connected therewith, and, when required, exhibit the same to the city solicitor.

(Rev. Ords. 1976, Pt. 2, Ch. 13, § 11)

**Secs. 14-36--14-50. Reserved.**

**ARTICLE III. ALARM SYSTEMS\***

***Section 14-51. Definitions.***

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Alarm system means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a one hundred ten (110) volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond.

- (b) Alarm user or user means any person on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this article are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this article.
- (c) Automatic dialing device refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (d) Central station means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- (e) Communications console means the instrumentation on an alarm console at the receiving terminal of a signal line which, through both visual and audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.
- (f) Direct connect means an alarm system which has the capability of transmitting system signals to and receiving them at the police department communication center.
- (g) False alarm means:
  - (1) The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.
  - (2) Any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises.
  - (3) Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.
- (h) Interconnect means to connect an alarm system to a voicegrade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (i) Police chief means the chief of police of the city or his designated representative.
- (j) Police or police department means the city police department or any authorized agent thereof.
- (k) Public nuisance means anything which annoys, injures or endangers the comfort, repose, health or safety of a considerable number of persons or of any community or neighborhood.  
(Ord. of 4-27-87, § 24(1))

Cross reference(s)--Definitions and rules of construction, § 1-2.

***Section 14-52. Exclusion from article.***

Fire alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises and all residential houses are specifically excluded from the provisions of this article. (Ord. of 4-27-87, § 24(1))

***Section 14-53. Administrative rules.***

The police chief may promulgate such rules as may be necessary for the implementation of this article. (Ord. of 4-27-87, § 24(2))

***Section 14-54. Automatic dialing devices--Interconnection to police department.***

Automatic dialing devices may be interconnected only to telephone numbers at the police department as are specifically designated to receive such calls by the police department. (Ord. of 4-27-87, § 24(3))

***Section 14-55. Same--Intermediary services.***

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- (a) A central station;
  - (b) An answering service; or
  - (c) Any privately-owned or privately-operated facility or terminal.
- (Ord. of 4-27-87, § 24(4))

***Section 14-56. Direct connections to police department.***

- (a) Alarm systems may be connected to the communications console in the police department.
- (b) In accordance with the normal bidding practices in effect in the city, the purchasing agent shall have the authority to request bids from alarm companies in order to furnish, at no cost to the city, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the police department.
  - (1) Each of the bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console.
  - (2) Such services shall be set forth in the form of a written contract between the alarm company and each alarm user.
  - (3) The provisions of this paragraph (b) relate solely to the aforementioned communications console, connections to the said console by alarm users, and fees and charges related to the installation and maintenance of the console.
  - (4) Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance and/or servicing of the alarm system to be installed on his premises.
- (c) The alarm user, or the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm-receiving equipment at the police

department and for furnishing the appropriate interface equipment used to operate the communications console.

- (d) The provisions of section 14-59 concerning false alarms shall apply to all alarm users or persons having direct connect systems, except municipal, county and state agencies and religious organizations.  
(Ord. of 4-27-87, § 24(5))

***Section 14-57. Control and curtailment of signals emitted by alarm systems.***

- (a) Every alarm user shall submit to the police chief the names and telephone numbers of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.
- (b) All alarm systems directly connected to the police station may be equipped with a test device which will give a ten-second delay or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit.
- (c) All alarm systems installed after January 1, 1987, which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within twenty (20) minutes after activation of the alarm system.
- (d) Any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance.
  - (1) Upon receiving complaints regarding such a continuous and uninterrupted signal, the police chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section in an effort to abate the nuisance.
  - (2) The police chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made. In the event that the police chief is unable to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section, or if such persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the police chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.
  - (3) If entry upon property outside the home or building in which the alarm system is located is made in accordance with this clause, the person so entering upon such property:
    - a. Shall not conduct, engage in or undertake any search, seizure, inspection or investigation while he is upon the property;
    - b. Shall not cause any unnecessary damage to the alarm system or to any part of the home or building; and

- c. Shall leave the property immediately after the audible signal has ceased.
  - (4) After an entry upon property has been made in accordance with this section, the police chief shall have the property secured, if necessary.
  - (5) The reasonable costs and expenses of abating a nuisance in accordance with this section may be assessed to the alarm user, such assessment not to exceed fifty dollars (\$50.00).
  - (6) Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Board of Aldermen and may present evidence showing that the signal emitted by his alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or that the requirements of this clause were not fulfilled.
  - (7) The board shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.
- (Ord. of 4-27-87, § 24(6))

***Section 14-58. Testing of equipment.***

- (a) No alarm system designed to transmit emergency messages directly to the police department shall be worked on, tested or demonstrated without obtaining permission from the police chief.
  - (b) Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department.
  - (c) An unauthorized test constitutes a false alarm.
- (Ord. of 4-27-87, § 24(7))

***Section 14-59. False alarms.***

- (a) When emergency messages are received by the police department that evidence false alarms, the police chief shall take such action as may be appropriate under paragraphs (b), (c), (d) and (e) of this section, and, when so required by the terms of such paragraphs, order that use of an alarm system be discontinued.
- (b) After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the police chief shall notify the alarm user, in person, by telephone or by mail, of such fact and require the user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms.
  - (1) If the user, on the basis of absence from the city, or on any other reasonable basis, requests an extension of time for filing the report, the police chief may extend the fifteen-day period for a reasonable period.

- (2) If the user fails to submit such a report within fifteen (15) days or within any such extended period, the police chief shall order that use of the alarm system be discontinued.
    - (3) Any such discontinuance shall be effectuated within thirty (30) days from the date of receipt of the police chief's order.
  - (c) If the police chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the police chief shall order that use of the alarm system be discontinued.
    - (1) Any such discontinuance shall be effectuated within thirty (30) days from the date of receipt of the police chief's order.
  - (d) If the police department records five (5) false alarms within the calendar year from an alarm system, the police chief shall order that the user of the alarm system discontinue use of the alarm system.
    - (1) Any such discontinuance shall be effectuated within thirty (30) days from the date of receipt of the police chief's order.
    - (2) Such discontinuance shall continue until the police chief has received a certified notice, that the alarm system has been reviewed and or repaired and is in perfect working order, by a business or person knowledgeable in the field of alarm systems.
  - (e) Any user of an alarm system which transmits false alarms shall be assessed a fine in accordance with section 1-8 for each false alarm in excess of three (3) occurring within the calendar year.
    - (1) All fines assessed hereunder shall be paid to the city treasurer for deposit in the general fund.
    - (2) Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment, the police chief shall order that the user discontinue use of the alarm system.
    - (3) Any such discontinuance shall be effectuated within thirty (30) days from the date of receipt of the police chief's order.
  - (f) Any user of an alarm system who has, in accordance with this section, been ordered by the police chief to discontinue use of an alarm system may appeal the order of discontinuance to the board of aldermen.
    - (1) Notice of an appeal shall be filed with the clerk of the board of aldermen within ten (10) days of the date of the order of discontinuance.
    - (2) Thereafter the board shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the board may affirm, vacate or modify the order of discontinuance.
- (Ord. of 4-27-87, § 24(8))

***Section 14-60. Exception for residential units.***

The provisions of section 14-59(e) shall not apply to residential dwelling units.

(Ord. of 4-27-87, § 24(9))

***Section 14-61. Penalties.***

- (a) The following acts and omissions shall constitute violations of this article punishable by a fine in accordance with section 1-8.
    - (1) Failure to obey an order of the police chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
    - (2) Failure to disconnect an automatic dialing device from any telephone numbers at the police department within six (6) months after April 27, 1987;
    - (3) Interconnection of an automatic dialing device to any telephone numbers, other than those authorized, at the police department after the effective date of this article;
    - (4) Failure to pay two (2) or more consecutive fines assessed under this chapter within sixty (60) days from the date of assessment;
    - (5) Failure to comply with the requirements of this article.
  - (b) Each day during which such violations continue shall constitute a separate offense.
- (Ord. of 4-27-87, § 24(9))