

## **CHAPTER 24: LAW ENFORCEMENT**

### **Article**

- I. IN GENERAL**
- II. POLICE DEPARTMENT**
- III. RULES OF CONDUCT**
- IV. RULES OF PROCEDURE**



## ARTICLE I: IN GENERAL

### Section

- 24-1 Definitions
- 24-2 Agreement authorized
- 24-3—24-22 Reserved

#### ***Editor's note:***

*The Town of Kershaw has made an arrangement for law enforcement services with the Lancaster County Sheriff's Department.*

#### ***Statutory reference:***

*Authority to enact ordinances exercising powers regarding law enforcement, see S.C. Code § 5-7-30*

### **§ 24-1 DEFINITIONS.**

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

***CHIEF OF POLICE*** or ***CHIEF***. The Lancaster County Sheriff.

***POLICE OFFICER*** or ***OFFICER***. The law enforcement officers of the County Sheriff's Department.

### **§ 24-2 AGREEMENT AUTHORIZED.**

The town has entered into an agreement with the county to provide general law enforcement services through the County Sheriff's Department within the town limits.  
(Ord. 85, passed 11-13-2000)

### **§§ 24-3—24-22 RESERVED.**



## ARTICLE II: POLICE DEPARTMENT

### Section

#### *Division 1. Generally*

- 24-23 Composition; appointments
- 24-24 Bond required
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- 24-53 Returning property following termination
- 24-54—24-85 Reserved

### ***DIVISION 1. GENERALLY***

#### **§ 24-23 COMPOSITION; APPOINTMENTS.**

The Police Department shall consist of a Chief of Police, to be appointed by the Mayor and Council and such officers and employees as may be authorized by the Town Administrator.

***Statutory reference:***

*Municipal police officers, see S.C. Code § 5-7-110*

**§ 24-24 BOND REQUIRED.**

The Chief of Police and other members of the Department shall give bond in favor of the town, in the amounts and under the conditions as the Mayor and Council may, from time to time, determine the premiums to be paid by the town.

**§ 24-25 OATH.**

Before entering upon the duties of his or her office, each police officer shall take and subscribe to an oath that he or she will support the Constitution and laws of the state, the Constitution of the United States and this code.

**§ 24-26 COMPENSATION.**

Compensation shall be subject to appropriations in the annual budget.

**§ 24-27 BONDS AND FINES TO BE COLLECTED BY TOWN CLERK OF COURT.**

Police officers shall not collect bonds or fines. Bonds and fines shall be collected only by the town's Clerk of Court during normal business hours and shall be paid only by cash, certified check or money order.

**§ 24-28 DISPOSITION OF UNCLAIMED PERSONAL PROPERTY.**

(A) *Applicability.* This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items of personal property which may be recovered by the Police Department in connection with the performance of its duties, or turned in to the Department, and shall be referred to in this section as personal property.

(B) *Annual public sale.* All personal property which has been lost, stolen or abandoned and which is in the possession of the Department shall be disposed of by annual public sale to the highest bidder by the Police Chief, or an officer appointed by him or her, in accordance with the terms set forth in this section.

(C) *Notice; publication.*

(1) Such personal property which remains unclaimed by the owner, or if the owner is unknown, shall be sold at public sale after duly posting of a notice of same at the Town Hall at least 15 days prior to such sale.

(2) The notice shall contain the time, place and terms of the sale and a description of the property to be sold.

(D) *Proceeds placed in General Fund.* The proceeds from the sale of unclaimed personal property shall be paid into the General Fund of the town the day of the sale.

***Statutory reference:***

*Sale of recovered property, see S.C. Code §§ 27-21-20 et seq.*

**§ 24-29 SENDING PERSONNEL TO OTHER POLITICAL SUBDIVISIONS IN EMERGENCY.**

In case of an emergency, the Chief of Police may, upon request of any other political subdivision of the state, send any law enforcement officers of the town to the requesting political subdivision.

***Statutory reference:***

*Authority to send law enforcement officers to other political subdivisions upon request, see S.C. Code § 5-7-120*

**§§ 24-30—24-46 RESERVED.**

***DIVISION 2. AUTHORITY, POWERS AND DUTIES OF PERSONNEL***

**§ 24-47 AUTHORITY OF CHIEF AND OFFICERS.**

(A) The Chief of Police shall supervise the Police Department and shall be responsible for the security of business establishments and for any other matters of public safety and law enforcement.

(B) In order to secure the public's safety, police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

**§ 24-48 POWERS OF POLICE OFFICERS.**

(A) Each officer of the Department shall be sworn and invested with all powers within the corporate limits of the town and its police jurisdiction as authorized by law.

(B) He or she shall have the power to carry out all duties assigned to him or her by statutes, ordinances, resolutions, directives, rules or regulations.

**§ 24-49 SUMMONS TO APPEAR.**

(A) *Authority.* Any person violating an ordinance of the town or any state law may be apprehended by a police officer and a summons issued therefor.

(B) *Trial date set.* A trial date shall be designated in the summons by the apprehending officer, and a copy of the summons shall be held for further action by the appropriate judicial officer.

(C) *Jurisdiction created.* The summons duly served, as provided in this section, shall give the judicial officer jurisdiction to dispose of the matter.

(D) *Bail.* Upon receipt of the bail money, the apprehended person may be released, subject to his or her appearance before the appropriate judicial officer as required by the summons.

**§ 24-50 DUTY TO OBSERVE CONDITIONS, OBSTRUCTIONS, NUISANCES AND THE LIKE.**

All members of the Department shall observe the condition of the streets, sidewalks and alleys of the town, and of any obstruction, nuisance or impediments there and shall take the necessary measures to remove or abate them and to report such conditions to the appropriate town official.

**§ 24-51 SPECIAL POLICE PROTECTION.**

(A) *Application required.* Any individual needing special police protection, upon an application to the Chief of Police or Town Administrator, and showing the necessity therefor, may have certified police officers appointed as special police officers and detailed for special police duty.

(B) *Qualifications; powers.*

(1) Such officers shall be certified police officers subject to the order of the business appointing them and the Chief of Police.

(2) They shall obey all police regulations of the town and shall, during such appointment, have all the powers of regular police officers.

(C) *Compensation; not considered town employee while serving.* They shall receive no salary or pay whatsoever from the town and shall not be considered a town employee while so serving.

(D) *May wear uniform and use weapons with Chief's approval.* Such officers may wear their uniforms and use their weapons and like equipment while performing private jobs in their off-duty hours, with permission from the Chief of Police.



(E) *Removal of officers.* Such special officers may be removed at any time by the business appointing them or by the Chief of Police.

***Statutory reference:***

*Authority for law enforcement officers to use official uniforms on private jobs, see  
S.C. Code § 23-24-10*

**§ 24-52 ADDITIONAL DUTIES DIRECTED OR REQUIRED BY COUNCIL.**

In addition to the duties prescribed in this article, the Police Department shall perform such other duties as may be directed and required by the Town Council.

**§ 24-53 RETURNING PROPERTY FOLLOWING TERMINATION.**

Upon the termination of services, for whatever reason, all members of the Department shall return any equipment and all official material or things belonging to the Department. Failure to do so shall constitute a misdemeanor, punishable by the Municipal Court.

**§§ 24-54—24-85 RESERVED.**



### ARTICLE III: RULES OF CONDUCT

#### Section

- 24-86 Suspension or discharge of officer
- 24-87 Town Administrator to discipline Chief
- 24-88—24-114 Reserved

#### **§ 24-86 SUSPENSION OR DISCHARGE OF OFFICER.**

(A) *Authority; report to Town Administrator required.* The Chief of Police may suspend or discharge any police officer for neglect of duty, disobedience of orders or violation of any law or ordinance. Within 24 hours, he or she shall report such suspension or discharge and the reasons therefor to the Town Administrator, with appeal to the Town Council.

(B) *Request for hearing.* The Town Council, upon written request of the officer disciplined, shall conduct a hearing in accordance with the town's Personnel Policy, Part VI, Grievance Procedure, at which the officer shall have the right to be heard. The Town Council may affirm or revoke such suspension or discharge.

#### **§ 24-87 TOWN ADMINISTRATOR TO DISCIPLINE CHIEF.**

The Chief of Police shall be disciplined by the Town Administrator, subject to appeal to the Council.

#### **§§ 24-88—24-114 RESERVED.**



## **ARTICLE IV: RULES OF PROCEDURE**

### **Section**

- 24-115 Supervision by Chief
- 24-116 Reports by officers; record book
- 24-117 Duty of officers; arrest and report violations
- 24-118 Same; inventory and turn over moneys, arms and the like of prisoner

### **§ 24-115 SUPERVISION BY CHIEF.**

(A) The Chief of Police shall assign the members of his or her Department in such a manner as to obtain the best results and most efficient service.

(B) He or she shall initiate such programs as will provide him or her with the information and reports he or she deems necessary and shall maintain regular contact with his or her personnel.

### **§ 24-116 REPORTS BY OFFICERS; RECORD BOOK.**

(A) Each member of the Police Department shall report to his or her superior officer before entering upon his or her daily duties for assignments and information. He or she shall make such other regular reports as are required by these rules or by his or her superior officer.

(B) (1) A permanent record book shall be maintained by the Chief of Police or his or her designee.

(2) It shall show the name, address, charges, bonds or pledges, trial and disposition of each person arrested.

### **§ 24-117 DUTY OF OFFICERS; ARREST AND REPORT VIOLATIONS.**

It shall be the duty of each police officer to arrest and report any person for violating the laws or ordinances of the town. Failure or neglect to do so shall make him or her liable to disciplinary action.

**§ 24-118 SAME; INVENTORY AND TURN OVER MONEYS, ARMS AND THE LIKE OF PRISONER.**

It shall be the duty of each police officer, when necessary, to remove from such prisoner all monies, arms, medicines, papers and the like, which shall be inventoried and turned over to the Chief of Police or his or her designee.