

Repealed by Ord 1507
Amended by Ord 186
176

Ordinance no. 165.

An ordinance providing for the appointment of day and night police; prescribing their duties, rules and regulations for their government, and the mode and manner of their trial, and suspension or removal.

The People of the City of Albany do Ordain as follows:

Section 1. That the City Council at its regular meeting on the second Tuesday of January of each year shall elect two or more night police, one of whom at least shall be a competent engineer and shall have the care, custody and control of the fire engine now in use in the city and used by Lion Engine Company no 2, subject however to the orders of the City Council and the Chief Engineer of the Fire Department of said city.

Section 2. That the City Council, at any time hereafter when it may deem it necessary, may elect one or more persons who when elected and qualified shall constitute the day police force of the city.

Section 3. Each person elected to office under the provisions of this ordinance shall before entering upon the discharge of his duties, file with the Recorder of the City a certificate of his appointment with his official oath endorsed thereon, and by him subscribed to the effect that he will faithfully perform the duty for which he is appointed, and shall hold his office until the first Tuesday in January after his election and

until his successor is elected and qualified, unless sooner removed or suspended.

Section 4. It shall be the duty of each member of the police force elected under the provisions of this ordinance to execute all process directed to him by the recorder, to make arrests for any breach of the peace, for the violation of any City Ordinance, or for the commission of any crime within the City Limits, as a peace officer may under the laws of this State.

Section 5. It shall be the duty of the night police to light and take charge of the City by night; from the first day of October to the 1st day of April of each year, they shall go on duty at six o'clock P.M. of each day and continue on duty until six o'clock A.M. of the next succeeding day; and from the 1st day of April to the 1st day of October of each year that shall go on duty at seven o'clock P.M. of each day and remain on duty until the hour of five o'clock A.M. of the next succeeding day.

Section 6. It shall be the duty of the night policeman, who is also engineer and has charge of the fire engine to see that the fire engine now in use in the City is kept in good and complete repair and working order, to report to the Committee on Fire and Water any repairs or improvements that may be necessary and to see that fire is kept in said fire engine during the night hours, and that the same is ready for use in case of fire.

Section 7. The day police, when elected shall

have charge of the city during the day and shall go on duty each morning at the hour when the night police are authorized by this ordinance to retire from duty, and continue on duty during the day and until the night police have taken charge of the city.

Section 8. The Council may increase or diminish the number of the day or night police force at any time when in their judgment the best interest of the city demands it, and may at any time, for reasons deemed satisfactory and sufficient by them, by order ~~fully~~ made and entered on the minutes of the Council at a regular meeting thereof, suspend or remove any member of the said police force.

Section 9. Whenever any charge in writing shall be made by any qualified voter of the city against any member of said police force and presented to the City Council, the Council shall immediately appoint a Committee of three of its members, which Committee shall take down in writing all evidence adduced tending either to prove or disprove the charge and, when the testimony is completed, report the same to the next regular meeting of the Council thereafter. Such evidence shall be given under oath to be administered to the witness by the Chairman of the Committee, and the testimony of each witness, after having been ~~advised~~ reduced to writing, shall be read over by or to such witness, and then by him subscribed. Before proceeding

to take such ^{evidence} (testimony) the Committee shall give to the party making such charge, and to the accused five days notice in writing of the time and place where and where such evidence will be taken.

Section 10: When the evidence has been completed and reported to the Council, the Council, at its next regular meeting thereafter, unless a continuance be granted, shall hear such evidence and shall then determine by ballot whether or not the accused be guilty of the charge made against him. If the accused be found guilty the Council shall then determine whether or not the accused shall be removed or suspended, and if suspended only for what length of time he shall be suspended. The vote shall be by ballot and shall be first upon the question "shall the accused be removed?" If the requisite number of the members of the Council vote in favor of removal, then the office held by the accused shall be ~~declared~~ declared vacant, and the Council shall immediately proceed to elect his successor; but if the vote be against removal, the Council shall then proceed to determine by ballot whether or not the accused shall be suspended, and if suspended for what length of time. If the accused be suspended the Council shall immediately appoint some suitable and qualified person to fill the place of such suspended person, during the time of suspension, and during the time of suspension the person so suspended shall not be entitled to any pay.

Section II. Either party, shall be entitled to be represented and heard by Council before the Committee, and the City Council, Provided however, that during the time any ballot is being taken by the Council, no person, not a member of the Council, shall be entitled to be present, except the Recorder -

Section 12. The pay of the policemen shall be fixed by the Council at its regular meeting on the second Tuesday of January of each year, and immediately preceding the selection of policemen for the ensuing year, but shall in no case exceed the sum of sixty dollars per month for each policeman, to be audited as other accounts against the City: Provided however, that such additional allowance may be made to the policeman who has charge of the Fire Engine as the Council may deem just and proper, not exceeding the sum of \$25.00 per month. The pay allowed to a policeman shall be in full satisfaction for all services that he may render and he shall not be entitled to receive any fees for services rendered.

Section 13. That all Ordinances and parts of Ordinances not consistent with this ordinance be and the same are hereby repealed.

Section 14. This ordinance shall take effect and be in full force from and after its approval by the Mayor -

Passed the Council September 13th / 1887.

Approved September 19th / 1887.

Attest:

W. J. Weston, Recorder of the City of Albany:

J. K. Weatherford

Mayor -

State of Oregon }
 County of Linn } ss.

J. W. J. Henton, Recorder of the
 City of Albany, Linn County Oregon, do hereby
 certify that the foregoing Ordinance no 166
 is a true and correct copy of the original
 ordinance bill no 166, on file in the
 office of the City Recorder.

Witness my hand and the seal of the city
 of Albany this 19th day of September 1887.

W. J. Henton,

Recorder of the City of Albany.