

LAW ENFORCEMENT

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State law reference: Powers of police officers, NMSA 1978 § 3-13-2

ARTICLE I. IN GENERAL

Sections 20-1 to 20-50. Reserved.

ARTICLE II. ALARM SYSTEMS

Cross references: Buildings and building regulations, Ch. 8; Businesses, Ch. 10.

Section 20-51. Short title.

This article shall be known and may be cited as the “Corrales Alarm System Ordinance.”
History: Ord. No. 242, §III, adopted 1-28-92.

Section 20-52. 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:

Alarm system means any mechanical or electrical device which is designed primarily for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of a medical emergency situation; and which emits a sound or transmits a signal or message when activated, which causes notification to be made directly or indirectly to the police department. An “alarm system” shall not include:

- (1) A device installed on a motor vehicle;
- (2) Devices which are not designed or used to register alarms that are audible outside of the protected building.

Alarm user means any person in control of any building or portion thereof wherein the alarm system is maintained.

Alarm user permit means a permit issued by the Village allowing the operation of an alarm system within the Village.

False alarm means the activation of any alarm system which was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice.

Hearing officer means the Mayor or a person designated by the Mayor to act as an impartial arbitrator at hearings related to the enforcement of this article.

History: Ord. No. 242, § V, adopted 1-28-92; Cross reference: Definitions generally, § 1-2.

Section 20-53. Authority.

The Governing Body hereby enacts this article as authorized by the powers granted to the Village by the State.

History: Ord. No. 242, § II, adopted 1-28-92.

Section 20-54. Findings.

The Governing Body finds and declares that:

- (1) There is an increasing use of certain private emergency alarm systems by citizens of this Village; and
- (2) The police department has had to respond to an excessive number of false alarms from such systems resulting in a substantial expenditure of police personnel and funds.

History: Ord. No. 242, § I, adopted 1-28-92.

Section 20-55. Purpose.

The purpose of this article is to provide minimum standards and regulations applicable to burglar and holdup alarm systems, alarm businesses, alarm agents, and alarm users as defined in this article.

History: Ord. No. 242, § IV, adopted 1-28-92.

Section 20-56. Penalty for violation of article.

Every person convicted of a violation of any provision of this article shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-6.

History: Ord. No. 242, § XIV, adopted 1-28-92.

Section 20-57. Nonemergency activation.

No person shall intentionally activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was sounded solely for the purpose of testing the alarm and the person who tested the alarm took reasonable precautions to avoid any request being made to the police department to respond to such alarm.

History: Ord. No. 242, § IX, adopted 1-28-92.

Section 20-58. Alarm user permits - required; fees.

(a) It shall be a violation of this article for any person to operate an alarm system without a valid alarm user permit.

(b) No person shall operate or permit the operation of an alarm system which was installed on the person's property prior to the effective date of this article unless a permit for such alarm system is obtained from the police department within 60 days of the effective date of this article. This subsection shall not be applicable to an alarm system business, but the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if the person fails to obtain a permit for the operation of such system.

(c) Within 30 days of the installation of an alarm system, the person in control of the property on which the alarm system is installed shall obtain an alarm user permit from the police department.

(d) The fee for an alarm user permit shall be \$10.00. An additional fee of \$10.00 shall be imposed on those persons who fail to obtain an alarm user permit in a timely manner.

(e) The permit fee shall be a one-time charge to the alarm user, except that each amendment to an alarm user permit requiring a change in the name of the person in control of the property or a change in the property location shall require an additional fee of \$10.00.

History: Ord. No. 242, § VI, adopted 1-28-92.

Section 20-59. Alarm user permits - application.

(a) Application for an alarm user permit for the operation of an alarm system shall be made by the person having control over the premises on which the alarm system has been or is to be installed and operated. Such application shall be in writing to the police department on a form designated by the Village for that purpose.

(b) The police department shall issue an alarm user permit to the person in control of the property upon submission of an application therefor in accordance with this article, unless the police department finds that any statement made in the application was incomplete or false.

(c) The police department shall treat all information on the application for an alarm user permit as confidential information.

(d) Whenever the name or telephone number of the person in control of the property or premises, or any other information listed on the permit application, changes, the permit holder shall file an amendment to the permit application within 30 days of such change.

History: Ord. No. 242, § VII, adopted 1-28-92.

Section 20-60. Alarm system businesses.

(a) Any person whose business it is to repair or install an alarm system must possess a valid license issued by the construction industries division of the regulation and licensing department of the State. Such license must be presented to a law enforcement officer, or to the Mayor or his designated representative, upon request.

(b) Whenever an alarm system business agrees with any person to maintain or service any alarm system, such business shall:

(1) Ensure that the personnel of such business are able to render effective assistance and arrive at

such alarm site within 72 hours of a request by a member of the police department.

- (2) Keep a written record of the date and time of repair and a description of the specific repair which was performed on any alarm system. Such written records shall be maintained for at least 12 months and shall be made available for inspection and duplication upon request by the Mayor or a member of the police department.

History: Ord. No. 242, § VIII, adopted 1-28-92.

Section 20-61. User fees.

(a) The Village will respond to proper notification of activation of an alarm system without charge, except that the following fees shall be charged to the permit holder for each response by the Village to notification of activation of an alarm system in excess of five alarms from the same alarm system within a 12-month period:

- (1) For each response to notification of activation of an alarm system in excess of five alarms but not more than ten alarms within a 12-month period, \$25.00.
- (2) For each response to notification of activation of an alarm system in excess of ten alarms within a 12-month period, \$40.00.

Provided, however, that no notification of the activation of an alarm system shall be considered in determining the fees set out herein nor shall any fee be charged if the permit holder shows that the activation was not a false alarm, and any response by the Village to notification of activation of an alarm system will not be included in determining such fees if the permit holder shows that such activation was not a false alarm.

(b) For purposes of determining the fees set out in this section, the burden shall be on the permit holder to prove that the activation of the alarm system was not a false alarm.

History: Ord. No. 242, §X, adopted 1-28-92.

Section 20-62. Suspension and revocation of alarm user permits.

(a) If the Mayor or his agent has probable cause to believe that a permit holder has violated any provision of this article, or made fraudulent, misrepresentative, or false statements in the application for an alarm user permit, the Village shall give the permit holder written notice of a hearing to be held within 30 days to determine whether or not the permit should be suspended and/or revoked. This notice must contain a statement of the facts upon which the Village has acted.

(b) Any alarm user permit may be suspended and/or revoked if the permit holder has been found to have violated any provision of this article or made any fraudulent, misrepresentative, or false statements in the application for an alarm user permit.

(c) Any person whose alarm user permit has been revoked shall not be permitted to apply for another alarm user permit for one year after the filing of a written statement by the hearing officer revoking the permit, unless the hearing officer deems that proper corrective measures have been taken.

History: Ord. No. 242, § XI, adopted 1-28-92.

Section 20-63. Hearings.

(a) Upon receipt of a notice of fees due, the alarm user may request a hearing before the hearing officer to show cause why the alarm user should not be charged the fees specified in the notice. Such requests must be filed in writing with the Chief of Police within 30 calendar days of the notice of fees

due. The alarm user shall be given written notice of the hearing at least ten calendar days before the hearing.

(b) An applicant may request a hearing before the hearing officer within 30 calendar days of the notice to the applicant that the alarm user permit will not be issued, to show cause why such applicant should be issued an alarm user permit.

(c) Hearings under this section shall be conducted in the following manner:

(1) The hearing shall be conducted by the hearing officer or his designated agent.

(2) Formal rules of evidence shall not apply to the conduct of the hearing.

(3) Cross questioning is neither prohibited nor encouraged. The hearing officer has full discretion whether to allow it.

(4) The hearing officer may hear testimony from any expert witness.

(5) The hearing officer shall outline the procedure to be followed in the conduct of the hearing.

(6) The hearing may be recessed or adjourned to another time and/or place upon the discretion of the hearing officer.

(d) The decision of the hearing officer under this section is the final step in the administrative procedures and is conclusive upon the applicant, who shall then be considered to have exhausted all administrative remedies.

History: Ord. No. 242, § XII, adopted 1-28-92.

Section 20-64. Administrative rules.

The Village shall adopt such rules and regulations as necessary for the safe and equitable administration of this article.

History: Ord. No. 242, § XIII, adopted 1-28-92.

Sections 20-65 to 20-70. Reserved.

ARTICLE III. POLICE DEPARTMENT

Section 20.71. Creation.

There is hereby created a Police Department for the Village of Corrales which shall consist of a Chief of Police and as many officers as may from time to time be deemed necessary for the safety and good order of the Village.

History: Ord. No. 167, adopted 3-23-87.

Section 20-72. Department rules and regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may be adopted by the Council.

History: Ord. No. 167, adopted 3-23-87.

Section 20-73. Chief of Police.

The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Council. The Chief of Police shall:

- (1) Execute and return all writs and processes as directed by the Municipal Judge.
- (2) Serve criminal writs and processes in any part of the country wherein the municipality is situated.
- (3) Within the municipality, suppress all riots, disturbances and breaches of the peace; apprehend all disorderly persons; pursue and arrest any person fleeing from justice; and apprehend any person in the act of violating the laws of the State or the ordinances of the municipality and bring him before competent authority for examination and trial.
- (4) Render such accounts of the Police Department, his duties, departmental operations and receipts as may be required by the Council and keep records of the department and his office open to public inspection at all reasonable times.
- (5) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he will support the Constitution and laws of the State of New Mexico, Constitution of the United States and ordinances of the Municipality and that he will faithfully perform the duties of the office upon which he is about to enter. He shall furnish a surety bond in a principal sum to be fixed and conditioned upon the faithful discharge of the duties of his office, or a surety bond covering all officers of the department may be secured.

History: Ord. No. 167, adopted 3-23-87.

Section 20-74. Police officer.

- (a) Shall perform all duties as required by law;
- (b) Shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Village, and shall pursue and arrest any person fleeing from justice in any part of the State;
- (c) Shall be the enforcement officers of the Village and shall see that the provisions of this code, Village ordinances, and the laws of the State of New Mexico are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law, provided, that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and provided further that in the special cases relating to traffic offenses they may release an arrested person upon his written promise to appear in court;
- (d) Shall report such offenses as may come to their knowledge to the proper municipal official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders as shall be directed;
- (e) Shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a municipal ordinance, and may serve the same in any part of the country in which such municipality is situated; and
- (f) Shall observe the condition of the streets of the Village and of any obstruction, nuisance, or impediments therein, and shall take necessary measures to remove or abate the same.

History: Ord. No. 167, adopted 3-23-87.

Section 20-75. Oath.

Before entering upon the duties of his office, each police officer shall take and subscribe to an oath that he will support the Constitution and laws of the State of New Mexico, the Constitution of the United States and the ordinances of the municipality, and that he will faithfully perform the duties of the office upon which he is about to enter.

History: Ord. No. 167, adopted 3-23-87.

Section 20-76. Uniforms.

Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the Council.

History: Ord. No. 167, adopted 3-23-87.

Section 20-77. Duty of citizens to aid.

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his duties.

History: Ord. No. 167, adopted 3-23-87.

Section 20-78. Extraterritorial duty.

The Chief of Police may in his discretion, upon request of the Sheriff or person exercising the functions thereof in any other jurisdiction, assign police officers under his control together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

History: Ord. No. 167, adopted 3-23-87.

Section 20-79. Reserve police.

The Mayor may upon any emergency, riot, pestilence, invasion or at any time he or she shall deem it necessary for the peace, good order or health of the municipality, order the Chief of Police to appoint reserve policemen for a specified time, not exceeding two (2) days, without the approval of the Council. He or she may also, with the approval of a majority of the Village Council, order the Chief of Police to appoint such numbers of reserve policemen as may be agreed upon by the Council, to serve upon days of election, public celebration and holiday, and said reserve policemen shall have and possess all the powers and privileges of regular policemen during the time for which they may be appointed.

History: Ord. No. 167, adopted 3-23-87.

Section 20-80. Private police.

Any person desiring the services of a special policeman in or about his property or place of business, upon agreeing to defray all expense of maintenance of such special policeman, upon application to the Council, may have any suitable person named for such special policemen duly appointed as such. Such special policeman shall take the usual oath of office and shall have the powers of a regular police officer in and upon the premises for which he may have been appointed but not elsewhere. Provided, however, special police officers so appointed shall be under the control of the Chief of Police. The person at whose instance such officer was appointed shall be responsible for the pay of such officer, and the Village shall in no case incur any liability whatever by reason of the appointment of such special policeman. No person appointed as a special policeman under the terms of this section shall be considered a member of the Police Department. All special or reserve police officers shall wear a shield having inscribed thereon, "Special Policeman," while on duty. It shall be unlawful for any special police officer to wear his badge

or shield when he is not performing the duties for which he was employed.

History: Ord. No. 167, adopted 3-23-87.

Section 20-81. Form of protection.

The Village of Corrales hereby approves, accepts, and authorizes police protection by any regular police officer.

History: Ord. No. 167, adopted 3-23-87.

Section 20-82. Definition of regular police officer.

Any federal, State, county, municipal and/or Village law enforcement officer duly authorized and officially employed as such by those jurisdictions.

History: Ord. No. 167, adopted 3-23-87.

NOTE: Former Article IV. Police Reserve Corps, adopted by Ord. No. 167, adopted 3-23-87, was repealed by Ord. No. 09-016, adopted 10-27-09.