

Village of Mantua, Ohio
ORDINANCE 2012-71

AN ORDINANCE AMENDING CHAPTER 139 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO PART TIME AND AUXILIARY PATROL OFFICERS, AND DECLARING AN EMERGENCY.

WHEREAS, The Safety Committee has recommended that Chapter 139 of the Village of Mantua Codified Ordinances be amended in order to establish a paid part-time division of the police department and a volunteer auxiliary division.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Mantua, Portage County, Ohio two thirds or more of the members elected thereto concurring that:

SECTION 1: Existing Chapter 139 of the Codified Ordinances of the Village of Mantua is hereby repealed.

SECTION 2: Chapter 139 of the Codified Ordinance of the Village of Mantua is hereby enacted as set forth in "Exhibit A", attached hereto and incorporated herein by reference.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

SECTION 4: This Ordinance is hereby declared to be an emergency measure, in order to establish separate part time and auxiliary classifications within the Village of Mantua Police Department at the earliest possible time, and for that reason this Ordinance shall take effect immediately upon proper passage by the Council.

Passed by Council, December 18th, 2012

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I, Jenny August, Clerk of the Village of Mantua, Ohio, hereby certify that this Ordinance was duly published by public posting at pre-designated posting places.

Jenny August, Clerk of Council

Approved as to legal form by:

Michele Stuck, Village Solicitor

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EXHIBIT A

CHAPTER 139
Police Department

139.01 Composition

139.02 Police Officers

139.03 Auxiliary Police Unit

139.04 Police Chief's Policy on Routine and Non-Routine Transactions

139.01 COMPOSITION.

(a) The Police Department shall be composed of the officers hereinafter set forth who shall perform the duties prescribed by law and ordinance.

- (1) A full-time Chief of Police.
- (2) A Lieutenant of Police.
- (3) A Sergeant of Police.
- (4) One or more part-time Officers
- (5) One or more Auxiliary Officers.
- (6) A full-time Head Dispatcher
- (7) One or more part-time Dispatchers
- (8) A Cleaning Person

(b) The positions of Lieutenant and Sergeant may be held by part-time officers. Appointment or promotion of officers to these positions shall be subject to approval by Council pursuant to the relevant sections of Ordinance 2010-24 as enacted and subsequently amended.

139.02 POLICE OFFICERS

(a) Appointment. The Mayor shall, when such positions are authorized by Council, and subject to its confirmation, appoint all police officers. All such officers shall continue in office until removed therefrom for the cause and in the manner provided by section 737.19 of the Ohio Revised Code or pursuant to section 737.162 thereof.

(b) Medical examination. No person shall receive an appointment under this section unless the person has, not more than sixty days prior to receiving such appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the Village Council. The appointing authority shall, prior to making any such appointment, file with the Ohio police and fire pension fund a copy of the report or findings of said licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for such physical examination shall be paid for by the Village.

(c) Probationary Period; Final Appointment. All appointments made under this section shall be for a probationary period of six months' continuous service, and none shall be finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period the Mayor shall transmit to the Village Council a record of such employee's service with his recommendations thereon and he may, with the concurrence of the legislative authority, remove or finally appoint the employee.

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139.03 AUXILIARY POLICE UNIT

- (a) Appointment of Members. There is created within the Police Department an auxiliary police unit, the members of which shall be appointed by the Mayor per section 737.161 of the Ohio Revised Code.
- (b) Auxiliary officers do not serve probationary periods and have no statutory right to continued employment. As a result, such officers serve at the Mayor's pleasure and are terminable at will.
- (c) Auxiliary Police Officers shall within one year of appointment complete and receive State certification from the Ohio Peace Officer Training Commission. This is per the Ohio Administrative Code, 109:2-1-07 and 109:2-1-12. Any training required will be at their own cost.
- (d) Command of Unit. The Chief of Police shall be the commanding officer and shall have control over the assignment, training, stationing and direction of all members of the Auxiliary Police Unit. The Auxiliary Police Unit shall have all police powers, but shall perform only such police duties as are assigned to them by the Chief of Police whose primary duties are to preserve the peace, protect life and property and enforce the laws of the State of Ohio and the ordinances of the Village of Mantua. Auxiliary officers shall only act in such capacity while on active duty and shall obey the chain of command of the Police Department.
- (e) Rules and Regulations. The Chief of Police, under the direction of the Mayor, shall prescribe the rules and regulations for the administration, conduct and control of the Auxiliary Police Unit. Auxiliary Officers shall also comply with all personnel policies and procedures set forth in the Village of Mantua Employee Handbook.
- (f) Uniforms. The Chief of Police shall determine what type of uniform or part thereof shall be worn by members of the Auxiliary Police Unit. Auxiliary Police Officers who have served one year or more shall be entitled to a uniform allowance as set forth in the Mantua Village Employee Handbook.
- (g) Use of Uniform. No Auxiliary Police Officer shall appear in public in uniform unless scheduled or called to duty by the Chief of Police or officer in charge of the police department.
- (h) Initial Service Period.
 - (1) Until State certification from the Ohio Peace Officer Training Commission is received, Auxiliary Police Officers shall not be permitted to carry firearms and shall not have arrest powers. During their in-service-training and field training, each Auxiliary Police Officer shall be assigned a training officer.
 - (2) Auxiliary Police Officers who have successfully completed the initial service period described in section (h)(1) may volunteer to be placed on the schedule without a training officer and shall work assigned shifts on their own.
- (i) Compensation. Auxiliary Police Officers serve on a voluntary basis, and shall be paid \$10.00 per year on their anniversary date of their appointment.
- (j) Required Hours to Maintain Commission. Auxiliary Police Officers will be required to volunteer at least 16 hours per month; such hours must be approved by the Chief of Police.

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- (k) Each member of the Auxiliary Police Unit shall give a performance bond in the sum of one thousand dollars (\$1000). Such bond shall be at Village expense.

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139.04 POLICE CHIEF'S POLICY ON ROUTINE AND NON-ROUTINE TRANSACTIONS.

The Chief of Police has the authority to purchase goods and enter into consulting contracts which do not exceed three thousand dollars (\$3,000) as we consider these to be routine transactions which may be considered day to day transactions. Any purchases exceeding three thousand dollars (\$3,000) must first be approved by the Safety Committee and then by Council in advance as this Council agrees that any expenditures exceeding three thousand dollars (\$3,000) are to be considered non-routine transactions.

- (b) Exceptions to this policy are as follows:
 - (1) Utilities as these are by their very nature routine;
 - (2) Payroll transactions as they are approved in the annual payroll ordinance approving all positions and their pay rates.
 - (3) Debt obligations: Council approves all debt obligations and the respective payment schedule including interest.

(c) In the event of an emergency, the Chief of Police may consult with the Mayor and Chairperson of Finance to enter into an agreement with a vendor to eliminate the emergency. However, at the earliest possible time, the Chief must provide Council with the nature of the emergency and all related expenses for retroactive express permission through resolutions.