

Village of Mantua, Ohio
ORDINANCE 2011-07

**AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE
CHAPTER 139 IN ORDER TO DEFINE GUIDELINES FOR THE AUXILIARY
BRANCH OF THE POLICE DEPARTMENT, AND REPEALING ALL PRIOR
INCONSISTENT ORDINANCES.**

WHEREAS, Village of Mantua Codified Ordinances Chapter 139, relating to the Village of Mantua Police Department, has been established to codify legislation relating to the Village Police Department; and

WHEREAS, the Safety Committee has recommended changes to the sections relating to the Auxiliary Police Unit; and

WHEREAS, the Ohio Supreme Court has declared that residency requirements for employees are unconstitutional; and

WHEREAS, this Council wishes to address these issues by amending Chapter 139 of the Codified Ordinances of the Village of Mantua.

NOW THEREFORE, be it ordained by the Council of the Village of Mantua, Portage County, Ohio, two thirds (2/3) or more of the members elected thereto concurring that:

SECTION 1: Existing Chapter 139 of the Village of Mantua Codified Ordinances and any other prior inconsistent Ordinances are hereby repealed.

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

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 Ohio Revised Code.

SECTION 4: This Ordinance shall take effect and be in full force from and after passage by Council and execution by the Mayor, at the earliest date allowed by law, to preserve the Public health, peace, safety, and welfare within the whole of the Village.

Passed in Council this 19th day of April, 2011.

1st Reading: February 15, 2011

Donna Hawkins, Mayor

2nd Reading: March 10, 2011

3rd Reading: April 19, 2011

ATTEST:

Effective: May 19, 2011

Jenny August, Clerk of Council

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio.

Jenny August, Clerk-Treasurer

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua

Village of Mantua, Ohio
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"EXHIBIT A"

CHAPTER 139
Police Department

139.01 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 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. 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.
- (i) Compensation.
 - (1) Auxiliary Police Officers serve on a voluntary basis during the initial service period, and shall be paid \$10.00 per year on their anniversary date of their appointment.
 - (2) Auxiliary Police Officers who have successfully completed the initial service period described in section (h) shall be placed on the schedule without a training officer and shall work assigned shifts on their own. Such officers shall be compensated for their service at a rate as established by the Mantua Village Council.
- (j) Required Hours to Maintain Commission.
 - (1) Auxiliary Police Officers will be required during their in-service-training, field training and until they receive their State certification from the Ohio Peace Officer Training Commission to volunteer at least 16 hours per month; such hours must be approved by the Chief of Police.
 - (2) Auxiliary Police Officers who have achieved the hourly rate of pay as set forth in division (i)(2) herein shall be required to sign up for at least one (1) open eight (8) hour shift per month as posted by the Chief of Police.
- (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.

