

ORDINANCE NO. 786

AN ORDINANCE CREATING THE POSITION OF SUPERINTENDENT OF POLICE AND DEFINING HIS POWERS AND DUTIES; DEFINING THE POWERS AND DUTIES OF CHIEF OF POLICE; CREATING THE POSITION OF ACTING CHIEF OF POLICE AND DEFINING HIS POWERS AND DUTIES; PROVIDING COMPENSATION FOR THESE POSITIONS; AND DECLARING THAT AN EMERGENCY EXISTS FOR THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

WHEREAS, it has become necessary for the Town of St. John, Lake County, Indiana to reorganize its Police Department and supervision thereof due to the retirement of Chief Robert Ponton; and

WHEREAS, under current Indiana law it becomes necessary to create a new administrative department head position to accomplish the goals of the Town of St. John; and

WHEREAS, it has become necessary to define the powers and duties of the positions created or necessary in order to accomplish these goals;

NOW THEREFORE BE IT ORDAINED as follows:

SECTION I

Definitions

1. "Chief" shall mean the Chief of Police of the Town of St. John, Lake County, Indiana.
2. "Board" shall mean the Board of Trustees of the Town of St. John, Lake County, Indiana.
3. "Superintendent" shall mean the Superintendent of Police for the Town of St. John, Lake County, Indiana.
4. "Town" shall mean the Town of St. John, Lake County, Indiana.
5. "Commission" shall mean the Board of Metropolitan Police Commissioners of the Town of St. John, Lake County, Indiana.

SECTION II

Authority of the Board

1. This Board has authority to act and adopt this ordinance under the following sections of the Indiana Code, but not limited to the following sections:

I.C. 36-1-3-3	I.C. 36-1-3-4	I.C. 36-1-3-5
I.C. 36-1-3-6	I.C. 36-1-4-7	I.C. 36-1-4-11
I.C. 36-1-4-14	I.C. 36-1-4-15	I.C. 36-5-3-2

SECTION III

Superintendent of Police

1. The Board now creates the administrative position of Superintendent of Police.

2. This position shall be that of a department head and executive or supervisory position.

3. The Superintendent shall have the following powers, duties and responsibilities within the Town:

- a. Enforce Town ordinances and State laws;
- b. Suppress all breaches of the peace;
- c. Serve all process issued by the Town or any subdivision thereof;
- d. Convey prisoners to and from the Town jail or police station and the county jail or juvenile detention center or other places of imprisonment;
- e. Preserve the peace;
- f. Prevent offenses;
- g. Detect criminals;
- h. Suppress riots, mobs, and insurrections;
- i. Disperse unlawful and dangerous assemblages and assemblages that obstruct the free passage of public streets, sidewalks, parks and places;
- j. Protect the rights of persons and property;
- k. Guard the public health;
- l. Preserve order at elections and public meetings;
- m. Direct the movement of vehicles in public ways or public places;
- n. Remove all nuisances in public parks and public ways;
- o. Provide proper police assistance at fires;
- p. Assist, advise, and protect strangers and travelers in public ways or at transportation facilities;
- q. Carefully observe and inspect all places of business under license, or required to have them;
- r. Supervise all the personnel, whether police officers or civilian personnel of the police department of the Town as well as all equipment employed;
- s. Establish and implement the policies of the police department of the Town;
- t. Assist the Board and Commission in preparing the budget for the police department;
- u. Is answerable only to, under the authority of, and is

- under the direct control of the Board and the Commission;
- v. Recommend and enforce discipline within the police department;
 - w. Is not a member of the police department of the town;
 - x. Work with the Commission of the Town.

4. The Superintendent shall be selected by the Board by whatever criteria the Board deems appropriate. The Board may seek the advice of or assign the authority to select the Superintendent upon the Commission. The Board or Commission may employ such personnel or assistance as they deem necessary to assist in the selection of a Superintendent.

5. The Board with the advise of the Commission shall set the compensation and benefits as well as work hours, terms and conditions of employment, vacations, paid or unpaid holidays, leaves of absence, or other terms of employment of the Superintendent.

6. The Superintendent is the chief law enforcement officer of the Town.

7. The Town confers upon the Superintendent the powers, duties, privileges of all regular police officers of the Town during the term of his employment, but is not subject to the police chief. These powers, duties and privileges are conferred pursuant to I.C. 36-8-3-7 and I.C. 36-8-3-20 and include, but are not limited to, the power to arrest suspected law violators.

8. The board assigns to the Superintendent, subject to suspension of this assignment without notice, all powers and duties the Board has under the Indiana Code to generally supervise the police department of the Town.

SECTION IV

The Chief of Police

1. The Chief shall have the powers and duties conferred upon all chiefs of police under I.C. 36-8-3-10 and other applicable Indiana Code sections, subject to the terms and

conditions of this ordinance.

2. The Chief is responsible to, and is under the direct control of the Board, the Commission, and the Superintendent.

3. The Chief shall have any lawful additional powers, duties and responsibilities as may be assigned to him by the Board or the Superintendent.

SECTION V

Acting Chief of Police

1. In the absence of the Chief or vacancy in the position of Chief, the Board with the advice of the Commission as stated below, may select any other qualified police officer to assume the duties of the Chief.

2. The Board may authorize the Commission to select or recommend to the Board a person to fulfill the position of Acting Chief of Police.

3. The Acting Chief may be compensated as the Board with the advice of the Commission from time to time may decide.

4. The Acting Chief shall serve in that capacity at the pleasure of the Board and the Commission.

5. If the Acting Chief is chosen from the ranks of the Town's police department, he shall retain the rank and pay for the rank he held at the time of the selection to the role of Acting Chief. The Board may confer such additional compensation, benefits or responsibilities upon the Acting Chief, at any time, that the Board deems appropriate, with the advice of and consultation of the Commission.

SECTION VI

Miscellaneous

1. Whenever the singular is used or the plural is used and it is more appropriate to use the other, it may be substituted.

2. Whenever the male gender is referred to or the female gender is referred to and it is more appropriate to use the

other, it may be substituted.

3. Should any section, paragraph, clause, term, or condition herein be declared unlawful, unenforceable or unconstitutional, only that section, paragraph, clause of term shall be stricken or excised without nullifying or affecting the remainder of this ordinance.

4. This ordinance supersedes all other actions, resolutions, ordinances of the Town should any previously adopted ordinance, resolution, or action be in conflict with the terms of this ordinance.

SECTION VII

Emergency Clause

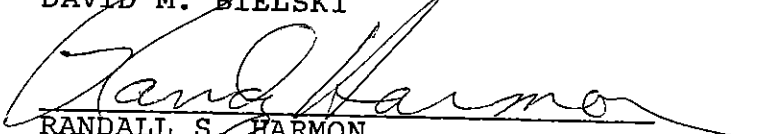
The Board declares that an emergency exists for the immediate passage and implementation of this ordinance and it shall be in full force and effect immediately upon passage.

PASSED AND ADOPTED by the Board of Trustees of the Town of St. John, Lake County, Indiana this 14 day of MARCH, 1989.

BOARD OF TRUSTEES, TOWN OF
ST. JOHN, LAKE COUNTY, INDIANA



DAVID M. BIELSKI



RANDALL S. HARMON

DOUGLAS PATTERSON

ATTEST:

BETTY L. SIEDELMANN,
Clerk-Treasurer