

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1200

AN ORDINANCE AUTHORIZING THE RESIDENCY OF THE CHIEF OF POLICE OF THE TOWN OF ST. JOHN TO BE OUTSIDE THE TOWN LIMITS OF THE TOWN OF ST. JOHN, INDIANA.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been made aware that the Supreme Court of the State of Indiana, in the case of Turner v. City of Evansville, 729 N.E.2d 149 (2001), has held that a police chief is not required by the Indiana Constitution or any other Indiana law to reside within the town limits of the town in which he is employed and serves as chief; and

WHEREAS, through the Indiana Code, the Town of St. John is granted "home rule power" to establish guidelines for the necessary and effective operation of government as to local affairs which statute is found at I.C. 36-1-3-2; and

WHEREAS, I.C. 36-8-9-4 provides that all members of the police department must reside within the county in which the town is located; reside within fifteen (15) miles of the corporate boundaries of the town; have adequate means of transportation into the town; and maintain in their residence telephone service with the town; but that said statute does not require police officers and members of the department to live within the town limits of the Town of St. John, the community they serve; and

WHEREAS, the St. John Police Commission, the St. John Chief of Police as well as the Indiana Association of Chiefs of Police have recommended that the Town Council establish, pursuant to the foregoing statutes, an ordinance providing that the St. John Police Chief is not required to reside within the town limits of the Town of St. John during his service as Chief; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, does now find that it is in the best interest of the citizens of the Town of St. John that the Town Council pass such an ordinance pertaining to the residency of the Chief of Police.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, that the Chief of Police of the Town of St. John, Lake County, Indiana, shall not be required to reside within the town limits of the Town of St. John during his service as chief.

BE IT FURTHER ORDAINED that notwithstanding the foregoing, the Chief of Police, being a member of the Police Department and an officer, must abide by the provisions of I.C. 36-8-9-4, as amended.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 22nd day of March, 2001.

Aye 5

Nay 0

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

Kathleen J. Willman
KATHLEEN J. WILLMAN

Kristie L. Aldridge
KRISTIE L. ALDRIDGE

William M. Winterhaler
WILLIAM M. WINTERHALER

Michael S. Forbes
MICHAEL S. FORBES

Jerome J. Rudy
JEROME J. RUDY

ATTEST:

Judith L. Companik
JUDITH L. COMPANIK
Clerk-Treasurer