

TEMPORARY ORDINANCE NO. 13-16

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 131 POLICE DEPARTMENT OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part One – Administrative Code, Title Five – Administrative, Chapter 131 Police Department, be replaced pursuant to Exhibit A, attached hereto.

SECTION 2. That existing Part One – Administrative Code, Title Five – Administrative, Chapter 131 Police Department, is repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to comply with the recent enactment of Ohio Revised Code Chapter 143 by the Ohio General Assembly.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee & Safety Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 131
Police Department

<p>131.01 Fee for copies of records.</p> <p>131.02 Gasoline allowance for Police Chief.</p> <p>131.03 Pick-up of contributions to Disability and Pension Fund.</p>	<p>131.04 Acceptance of property received through Federal participation.</p> <p>131.05 Appointee age limitation waiver.</p> <p>131.06 Reserve Police Unit.</p> <p>131.06.1 Volunteer Peace Officers' Dependent Fund</p>
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CROSS REFERENCES

Reductions, suspensions and removals - see Ohio R. C. 124.34 et seq., 737.12
 Police Chief suspension - see Ohio R. C. 124.34, 124.40
 Age and promotions - see Ohio R. C. 124.31, 124.41, 124.44
 Executive head - see Ohio R. C. 737.02
 Police protection contracts - see Ohio R. C. 737.04
 Chief of Police - see Ohio R. C. 737.06
 Emergency patrolmen - see Ohio R. C. 737.10
 Civil service application - see Ohio R. C. 737.11
 General duties - see Ohio R. C. 737.11
 Classification - see Ohio R. C. 737.13
 Recovered property and disposition - see Ohio R. C. 737.29 et seq.
 Compliance with police order - see TRAF. 303.07
 Impounding vehicles - see TRAF. Ch. 305
 Alarm systems - see GEN. OFF. Ch. 503
 Impersonating an officer - see GEN. OFF. 525.03
 False reports to law officers - see GEN. OFF. 509.07
 Reports of wounds inflicted by deadly weapons - see GEN. OFF. 525.05

131.01 FEE FOR COPIES OF RECORDS.

(a) There is hereby established the following fees for making and furnishing photo copies, photographs and audio tapes of Police Department records:

- (1) Photocopies. Three dollars (\$3.00) for each copy (both sides) of traffic accident and other records of the Police Department.
- (2) Photographs. Four dollars (\$4.00) for each photograph, eight by ten inches or smaller, of traffic accident and other records of the Police Department.
- (3) Audio tapes. Three dollars (\$3.00) for each audio tape, sixty minutes maximum, both sides

(b) In addition to the above-described fees, if a request requires a search of records to obtain the requested information, and the search requires more than fifteen minutes to complete, a fee shall also be charged for such search time at the rate of ten dollars (\$10.00) per hour, prorated to actual search time.

(c) All fees collected in accordance with the provisions of this section shall be credited to the General Fund of the City. (Ord. 20-89. Passed 5-8-89.)

131.02 GASOLINE ALLOWANCE FOR POLICE CHIEF.

There is hereby established a gasoline allowance of forty gallons per month for the Chief of Police for use of his private motor vehicle for police purposes.
(Ord. 66-70. Passed 12-28-70.)

131.03 PICK-UP OF CONTRIBUTIONS TO DISABILITY AND PENSION FUND.

(a) Effective 12:01 a.m. December 24, 1984, the City of Lancaster shall, as a fringe benefit for each employee of the Police Department, pay an amount equivalent to two and one-half percent (2.5%) of his/her compensation to the Police and Firemen's Disability and Pension Fund. Such payment is to be designated as a portion of each employee's statutorily required contributions to the Police and Firemen's Disability and Pension Fund and is to be paid by the City in lieu of contributions by each employee of the Police Department.

(b) In addition to the payment described in subsection (a) hereof, effective 12:01 a.m. December 24, 1984, an amount equivalent to six percent (6%) of the compensation of each employee of the Police Department shall be withheld from his/her gross pay and shall be assumed by the City and shall be paid to the Police and Firemen's Disability and Pension Fund. Such payment is to be designated as a portion of each employee's statutorily required contributions to the Police and Firemen's Disability and Pension Fund and is to be paid by the City in lieu of contributions by each employee of the Police Department.

(c) No person subject to the pick-up enacted by this section shall have the option of choosing to receive the statutorily required contributions to the Police and Firemen's Disability and Pension Fund directly instead of having them picked-up by the City.

(d) The above-described pick-up by the City commencing December 24, 1984, is and shall be designated as employee contributions and shall be paid by the City in lieu of contributions to the Police and Firemen's Disability and Pension Fund by each employee of the Police Department.

(e) The City Auditor is hereby directed, in reporting contributions and making remittance to the Police and Firemen's Disability and Pension Fund, to implement all procedures necessary in the administration of the pay of all employees of the Police Department to effect the above-described pick-up of the statutorily required contributions to the Police and Firemen's Disability and Pension Fund so as to enable them to obtain the resulting Federal and State tax deferments and other attendant benefits.
(Ord. 49-84. Passed 12-10-84.)

131.04 ACCEPTANCE OF PROPERTY RECEIVED THROUGH FEDERAL PARTICIPATION.

(a) The Mayor is hereby authorized and directed to accept money, real estate property, vessels, vehicles, aircraft, office equipment, computers and other property from the United States Government in accordance with the Comprehensive Drug Penalty Act of 1984. However, any acceptance of real estate by the Mayor shall be subject to subsequent approval by ordinance of Council.

(b) The Mayor is hereby directed to place all such money received into the City General Fund and all other items outlined in subsection (a) hereof which will be assigned by Council in the ordinance approving the acceptance. (Ord. 20-85. Passed 5-20-85.)

131.05 APPOINTEE AGE LIMITATION WAIVER.

The limitation imposed by Ohio R. C. 124.41 which disqualifies all persons age thirty-five or over from initial hiring by and appointment to the Police Department is hereby waived. (Ord. 24-85. Passed 6-24-85.)

131.06 RESERVE POLICE UNIT.

(a) There is hereby established a reserve unit within the Police Department of the City, the members of which shall be appointed by the Service-Safety Director.

(b) Appointment to the Lancaster Police Department Reserve Unit shall not confer employee status upon any person for any reason; and members of the Reserve Unit are not subject to Ohio R.C. Chapter 124, the Rules and Regulations of the Lancaster Civil Service Commission or to any provisions of the laws of the Codified Ordinances of the City pertaining to Civil Service.

(c) The objective of the Reserve Unit shall be to complement, not supplement or replace, full-time regular officers in the performance of police work within the jurisdictional limits of the City.

(d) Members of the Reserve Unit shall have all police powers, but shall perform only such duties assigned to them by the Chief of Police and shall act only when in uniform as prescribed by the Chief of Police.

(e) Reserve Officers are subject to the same standards of conduct; and rules, regulations, policies, procedures, directives and training requirements applicable to other officers of the City Police Department.

(f) Reserve officers shall be under the general control of the Chief of Police, or the Chief's designee who shall report to the Chief of Police, regarding their activities and training.

(g) Reserve officers shall be certified by the Ohio Peace Officers Training Council and that each Reserve Officer shall totally pay for such certification. However, if the individual reserve officer totally pays for such certification for the sole purpose of serving as a reserve officer for the Lancaster Police Department, the City shall reimburse fifty percent (50%) of such certification cost after the reserve officer has served one continuous year with the Lancaster Police Department and shall reimburse the remaining fifty percent (50%) after the reserve officer has served two continuous years with the Lancaster Police Department.

(h) Reserve officers will be commissioned persons and shall consist of civilian volunteers who will serve a minimum number of hours per month, as established by the Chief of Police, without compensation.

(i) Reserve officers uniform parts, equipment and service weapons shall be the same as those required of regular officers of the Lancaster Police Department and reserve officers shall receive an annual equipment allowance, to help offset the costs of those required uniform parts and equipment, equal to that of regular patrol officers of the Police Department. However, the service weapon and police badges shall be issued by the Lancaster Police Department and will remain the property of the City.

(j) The strength of the Reserve Unit shall not exceed twenty-five percent (25%) of the authorized strength of regular full-time patrol officers of the Lancaster Police Department.

(k) Reserve officer selection criteria will be similar to that used for full-time officers with the exception that mandatory written tests are not required.
(Ord. 11-96. Passed 3-25-96.)

131.06.1 VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND.

(a) There is hereby established a Volunteer Peace Officers' Dependents Fund pursuant to Ohio Revised Code Chapter 143 to assist dependents of volunteer peace officers killed in the line of duty and to assist volunteer peace officers that become totally and permanently disabled as a result of a line of duty injury. The Fund will be administered by the Ohio Department of Commerce.

(b) The Lancaster Police Department Reserve Unit, created by Lancaster Codified Ordinance 131.06, is subject to membership and participation in the Volunteer Peace Officers' Dependents Fund pursuant to the definition of "Volunteer peace officer" as set forth in Ohio Revised Code Chapter 143.01(C).

(c) There is hereby created a Volunteer Peace Officers' Dependents Fund Board in the City of Lancaster to administer any claims from the benefit fund pursuant to Ohio Revised Code Chapter 143. Board members shall serve without compensation. The five member Board must consist of the following volunteer members:

1. Two members elected by the legislative authority of the city;
2. Two members elected by the volunteer police officers; and
3. One member elected by the four other members. This member must be a elector of the City of Lancaster, but not a public employee, member of the legislative authority, or officer of the Lancaster Police Department.

(d) The term of office of a board member begins the first day of January and is one year. The election of board members in (c)(1) and (c)(2) above shall be held each year not earlier than the first day of November and not later than the second Monday in December. The election of the board member referenced in (c)(3) above shall be held each year on or before the thirty-first day of December. The secretary of the board shall give notice of the election of the board members referenced in (c)(2) above by posting it in a conspicuous place at the Lancaster Police Department. Between 9 a.m. and 9 p.m. on the day designated, each person eligible to vote shall send in writing the name of two persons eligible to be elected as their choices. The board shall count and record the votes and the two persons receiving the highest number of votes are elected. A tie vote may be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast.

(e) The board shall select a chairperson and a secretary from among its members. The board may adopt rules as necessary for handling and processing claims and benefits in compliance with the requirements set forth in Ohio Revised Code Chapter 143.

(f) The secretary shall keep a complete record of the board's proceedings which shall be maintained as a permanent file. The secretary shall submit the following to the director of commerce:

1. The name and address of each board member and who elected the member;
2. The names of the chairperson and secretary;
3. A certificate indicating the current assessed property valuation of the City of Lancaster.

(g) The board shall meet not later than five days after receipt of a claim for benefits and determine the validity of the claim and compensation of the claim pursuant to the guidelines and requirements of Ohio Revised Code Chapter 143.

(h) The legislative authority shall provide sufficient meeting space and supplies for the board to carry out its duties and provide monetary contributions to the Fund as directed by Ohio Revised Code Chapter 143. (ORC Chapter 143)