

**AN ORDINANCE ESTABLISHING A POLICE DEPARTMENT FOR THE CITY OF ST. MARY, MISSOURI; THE OFFICE OF CHIEF OF POLICE AND DESIGNATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

**WHEREAS**, the voters of the City of St. Mary, Missouri have voted to authorize the Board of Aldermen to appoint a Chief of Police as provided by the Statutes of the State of Missouri; and,

**WHEREAS**, the Board of Aldermen must create the position of Chief of Police and establish police department regulations,

**NOW THEREFORE**, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

**SECTION 1. PURPOSE**

This ordinance is established in order to establish the lines of authority and responsibility between the mayor, board of aldermen and the appointed Chief of Police and any such officers that may be appointed.

**SECTION 2. POLICE DEPARTMENT**

The police department shall consist of the Chief of Police and such other officers as the Board of Aldermen may from time to time hire.

**SECTION 3. CHIEF OF POLICE-QUALIFICATIONS**

The office of Chief of Police shall be established in lieu of City Marshal. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Board of Alderman and serve for an indefinite term subject to suspension or removal by the board in the manner prescribed in the city personnel manual. He shall hold this office during good behavior and efficient service. The Chief of Police shall be certified in accordance with Mo. State Statutes. However, the Board of Aldermen may hire a certifiable officer with a high school diploma or GED who is currently enrolled in a law enforcement training academy to receive the basic four hundred fifty hours training. Failure to complete and receive certification shall result in dismissal. The Chief of Police shall be a resident of the City of St. Mary unless otherwise directed by the board.

**SECTION 4. DUTIES**

The Chief of Police, subject to the direction and control of the Board of Aldermen, shall be the police officer of the City of St. Mary, MO. The Chief of Police shall in the discharge of his duties, be subject to the orders of the mayor. He shall be in charge of the equipment of the police department, and the traffic control and regulation system of the city. The Chief of Police shall be responsible for the proper and efficient enforcement of all laws and ordinances of the City of St. Mary and all rules and regulations of the State of Missouri. He shall discharge the responsibilities and duties imposed on his office and he shall perform any task that may be

assigned him from time to time by the City Board. He shall be a conservator of the peace, and he and any other police officers are empowered to serve all writs and processes of the municipal court. The Chief of Police shall, upon request of the municipal judge, attend sessions of the municipal court and preserve order in the courtroom. The Chief of Police shall, upon request of the Board of Aldermen, attend the meetings of the meetings of the board. The Chief of Police shall be subject to call at all hours. Upon leaving the city he shall notify the Ste. Genevieve County Sheriff Department in order that they may respond to emergency calls in lieu of the Chief of Police.

#### **SECTION 5. SALARY-BENEFITS**

The salary of the Chief of Police and any other officers of the City of St. Mary, Missouri shall be established by ordinance.

The personnel rules and regulations of the city shall not apply to the police department.

The police department shall not be entitled to overtime pay unless specifically authorized by the Board of Aldermen.

The police department shall not be entitled to specific holiday leave or off-duty pay.

The insurance for the Chief of Police and any other such officers shall be established by the Board of Aldermen from time to time by ordinance.

Vacation leave, sick leave, funeral leave, maternity leave, and jury leave are established per the city personnel manual.

#### **SECTION 6. UNIFORM & ALLOWANCE**

The Chief of Police shall receive a uniform allowance for the purpose of purchasing and maintaining uniforms and accessories in an amount as specified by ordinance. The Chief of Police shall wear a uniform at all times when on duty, except in a call out emergency. The Chief of Police must carry a badge at all times.

#### **SECTION 7. EQUIPMENT PROVIDED BY THE CITY**

The city shall furnish a police car that is the responsibility of the Chief of Police. Said vehicle is to be kept maintained and clean at all times. The Chief of Police will receive a car allowance for the cleaning of the car as provided by ordinance. The city shall furnish any other equipment so needed to carry out the duties of the police department. Said officer must supply his own handgun. The City may supply a shotgun.

#### **SECTION 8. DISCIPLINARY PROCEDURE**

Disciplinary action against the Chief of Police or any officer shall be in accordance with Section 2-4 of the City Personnel Policy.

#### **SECTION 9. HANDLING INTOXICATED PERSON**

Any person who appears to be incapacitated or intoxicated in a public place may be taken by a police officer to the person's residence, or to any available treatment service, or to any other appropriate local facility which may, if necessary, include a jail, for custody not to exceed 12 hours pursuant to Section 67.315 RSMo. Any police officer detaining such person or taking action such action for an incapacitated or intoxicated person shall enjoy immunity from prosecution in civil liability as provided in Section 67.315 RSMo.

**SECTION 10. EMERGENCIES OUTSIDE CITY - POLICE RESPONSE**

For the purpose of this ordinance “**emergency situation**” means any situation in which the police officer has belief that a crime is about to be committed, is being committed, or, has been committed involving injury or threat of injury to any person, property, or governmental interest, and the officer’s response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation.

For the purpose of this ordinance police officer means any police officer of the City of St. Mary, Missouri who has completed the basic training program established by Chapter 590 of the Revised Statutes of Missouri.

Any police officer of the City of St. Mary, Missouri shall have the authority to respond to an emergency situation outside the corporate limits of the City of St. Mary, provided, however, such authorization to respond shall exist only within the jurisdiction established by the Board of Aldermen until the situation is no longer an emergency. Only one officer may respond to an emergency.

**SECTION 11. EXCESSIVE FORCE**

The city adopts and will enforce the policy prohibiting the use of excessive force by law by law enforcement agencies within the City of St. Mary against any individual engaged in peaceful demonstrations.

Any person guilty of this violation shall be guilty of a misdemeanor and on conviction shall be fined accordingly. Each day in which such violation shall continue shall be deemed a separate offense.

Any person violating any provisions of this section shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of this violation.

**SECTION 12. RULE-MAKING POWER**

The Board of Aldermen shall have the right to make rules and regulations for the police department for the purpose of carrying out its policy decision. All decisions of the board shall be in writing and delivered to the Chief of Police for necessary actions. These orders and directions shall be in accordance with the minutes of the meetings and shall be signed by the mayor or by a majority of the board if the mayor does not concur in such order or instruction.

**SECTION 13. PASSAGE**

All ordinances or parts of ordinances in conflict are hereby repealed.

This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this the 11th day of September, 2000.

  
MAYOR CARLTON WYATT

ATTEST:

*Jo Ann E. Donze*

CITY CLERK JOANN E. DONZE

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert Bequette	x			
Roger Odem	x			
Douglas Roderique				x
Robert Schultz	x			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen at a meeting thereof assembled this the 11th day of September, 2000.

*Jo Ann E. Donze*

CITY CLERK JOANN E. DONZE