

BILL NO. 405

ORDINANCE NO. 405

AN ORDINANCE AMENDING ORDINANCE NUMBER 363 FOR THE PURPOSE OF ESTABLISHING A POLICE DEPARTMENT FOR THE VILLAGE OF UPLANDS PARK OR CONTRACTING FOR POLICE SERVICES.

BE IT OBTAINED BY THE BOARD OF TRUSTEES FOR THE VILLAGE OF UPLANDS PARK, AS FOLLOWS:

SECTION A.

It is determined that it is in the best interest of the Village of Uplands Park, Missouri, that it establish a police department or in the alternative contract for police services.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF UPLANDS PARK, MISSOURI, AS FOLLOWS:

SECTION 1

POLICE DEPARTMENT ESTABLISHED – COMPOSITION

There is hereby established and organized in the Village of Uplands Park a Police Department which shall consist of the Village Marshal, and as many Police Officers and as many probationary Police Officers as the Chairperson and Board of Trustees shall deem necessary; and also such special Police Officers, reserve Police Officers, private watchmen, school patrolmen, dispatchers, clerks and employees of the department as the Chairperson and Board of Trustees may, from time to time, determine to be necessary for the efficient operation of the department. The terms "*Police*" or "*Police Officers*" as used in this Chapter shall refer to members of the Police Department as specified in this Section, except special Police Officers, private watchmen, school patrolmen and any employee who is not a full-time, permanent, regular employee of the Police Department.

SECTION 2

POLICE ADVISORY BOARD

A. The Police Advisory-Board shall consist of five (5) members who shall be appointed by the Chairperson with the consent and approval of the majority of the members of the Board of Trustees. The first named member shall act as Chairman of the Police Advisory Board.

B. Police Advisory Board members shall have the following qualifications:

1. Each member must be at least twenty-one (21) years of age, a citizen of the United States and a qualified voter of the Village of Uplands Park for at least one (1) year next preceding the date of appointment.

2. Each member must be of good character, integrity and reputation and must have two (2) letters from Uplands Park residents attesting to the fact. Any person convicted of a felony shall be ineligible to serve on the Police Advisory Board.

3. Due to the confidential nature of information handled by the Police Advisory Board, all members must be fingerprinted and photographed.

4. Each member must furnish the Village Marshal with all available information for a background investigation and shall not omit any information or make any misstatement of fact.

5. Each member must sign an authorization for release of information for a complete background investigation so that the member may be cleared by the Village of Uplands Park Police Department for the handling of confidential information.

SECTION 3

VILLAGE MARSHAL -- BOND

Before entering upon the duties of his/her office, the Village Marshal shall give a surety company bond to the Village in the sum of fifty thousand dollars (\$50,000.00), to be approved by the Chairperson, with conditions and subject to the provisions of this Code relating to bonds of Village officers.

SECTION 4

VILLAGE MARSHAL -- GENERAL DUTIES

The Village Marshal shall be in charge of and responsible for the efficient organization and functioning of the Police Department under the general supervision of the Chairperson and the Board of Trustees.

SECTION 5

MARSHAL GENERALLY RESPONSIBLE FOR DEPARTMENT -- DUTIES PROVIDED BY LAW AND ORDINANCE

The Village Marshal shall have custody of all of the books, records, property, weapons, badges, furniture, vehicles, equipment, supplies and merchandise of the Police Department and shall direct and have the responsibility for the good conduct and proper and efficient performance of their duties of the members and employees of the Police Department. In such matters, he/she shall be subject to and have the advice of the Chairperson and the Board of Trustees. He/she shall perform such specific duties as may be provided by the laws of the State of Missouri and the provisions of this Code.

SECTION 6

PROMULGATION OF RULES AND REGULATIONS

The Village Marshal may promulgate rules and regulations for the Government of the Police Department and Police Officers, to be subject to approval by resolution or ordinance of the Board of Trustees, and may in like manner from time to time amend or repeal such rules or adopt a new rule or rules and regulations.

SECTION 7

MARSHAL TO ATTEND MEETINGS -- DUTIES RELATING TO ELECTIONS, COURT

The Village Marshal shall perform all duties prescribed in this Code relating to municipal elections and Municipal Court. He/she shall attend all regular meetings of the Board of Trustees, unless excused by the Chairman thereof, and such other meetings as requested by the Chairperson or Board of Trustees.

SECTION 8

VILLAGE MARSHAL, CAPTAINS, LIEUTENANTS, SERGEANTS AND CORPORALS OF POLICE

The regular Police Officers herein provided for shall include a Village Marshal, three (3) Captains, three (3) Lieutenants, five (5) Sergeants and four (4) Corporals of Police in the Police Department. The appointment, removal, promotion or demotion of any Captain, Lieutenant, Sergeant or Corporal of Police shall be made in the same manner as herein provided generally for members of the Police Department. A Captain shall outrank other members of the Department, except the Village Marshal. A Lieutenant shall outrank other members of the Department, except the Village Marshal, and Captains of Police. A Sergeant shall outrank other members of the Department, except the Village Marshal, Captains and Lieutenants of Police. A Corporal shall outrank other members of the Department, except the Village Marshal, Captains, Lieutenants and Sergeants of Police.

SECTION 9

POLICE OFFICERS -- HOW APPOINTED AND COMMISSIONED

The members of the Police Department, as above designated, except the Village Marshal, shall be appointed from time to time by the Chairperson with the consent and approval of a majority of the members of the Board of Trustees. In the appointment and approval of such Police Officers, or departmental employees, the Chairperson and Board of Trustees shall have the advice of the Advisory Board of the Police Department. Each Police Officer shall, before entering upon his/her duties, take the oath prescribed in this Code, and when said oath has been filed with the Village Clerk, the Village Clerk shall deliver

to such Police Officer a commission in the name of, and signed by, the Chairperson and under the Seal of the Village, authorizing and empowering him/her to discharge the duties of a Police Officer. Such commission and oath shall be recorded by the Village Clerk. The commission shall be surrendered and returned to the Village Marshal at such time as the tenure of office of such Police Officer shall be terminated, together with any badge or other property belonging to the Village. Any person who shall violate any provisions of this Section shall be deemed guilty of a misdemeanor.

SECTION 10

POLICE -- ANNUAL RE-APPOINTMENT

Captains, Lieutenants, Sergeants, Corporals and Police Officers are appointed to serve for terms of one (1) year. The Police Marshal will bring the names of all personnel in these classifications to the Chairperson and Board of Trustees at the first (1st) Board of Trustees meeting in May. The Chairperson and Board of Trustees have the right to re-appoint or decline re-appointment at-will.

SECTION 11

POLICE OFFICERS -- REMOVAL, PROMOTION, DEMOTION

A. A uniformed member of the Police Department is an appointed officer of the Village who serves at the will of the Chairperson and Board of Trustees. Any uniformed member of the Police Department may be removed from his/her appointed position at will by the Chairperson with the consent of a majority of all the members elected to the Board of Trustees, or by a vote of two-thirds (2/3) of all the members elected to the Board of Trustees, independently of the Chairperson's approval or recommendation, when it is determined by such vote that the removal of the Police Officer is in the best interests of the Village. Such removal shall be in accordance with the procedures for removal of appointive officers as may be set forth elsewhere in this Code.

B. Any uniformed member of the Police Department may be promoted, demoted, or transferred within the Department at will by the Chairperson with the consent of a majority of all the members elected to the Board of Trustees, or by a vote of two-thirds (2/3) of all the members elected to the Board of Trustees, independently of the Chairperson's approval or recommendation, when by such vote it is determined that such promotion, demotion or transfer is in the best interests of the Village.

C. The Chairperson and the Board of Trustees may have the advice of the Police Advisory Board of the Police Department, but such advice shall not be binding upon the Chairperson or the Board of Trustees.

D. Nothing in this Section is intended to abrogate the powers of the Chairperson and the Board of Trustees to terminate the appointment of a Police Officer at will as granted to the Chairperson and Board of Trustees by the Statutes of the State of Missouri.

SECTION 12

OBEDIENCE TO REGULATIONS, ORDERS

It shall be the duty of the members of the Police Department to obey and be responsive to all rules and regulations adopted as herein provided and all orders and directions of the Village Marshal or of an officer of superior rank.

SECTION 13

DUTIES OF POLICE GENERALLY

The Police shall perform such other duties as may be prescribed by law or ordinance or as directed by the Chairperson and Board of Trustees.

SECTION 14

DUTY TO ENFORCE CODE

It is hereby expressly made the duty of all members of the Police Department to acquaint themselves and to be familiar with the provisions of this Code and amendments thereto. They shall be alert at all times to detect obstructions in any street, sidewalk, tree, lawn or public place, the maintenance of any nuisance as herein defined, the construction or alteration of any building or other activity where a permit or a license is required by this Code, traffic violations, the violation of law relating to the sale of intoxicating liquor or non-intoxicating beer, disturbance of the peace or disorderly conduct and the violation of any other provision of this Code. They shall make arrests as hereinabove provided, and shall report violations to the Village Marshal, who shall, in proper cases, promptly report the same to the appropriate department of the Village Government for action.

SECTION 15

POLICE OFFICERS, CONSERVATORS OF PEACE -- SUPERVISION -- POWERS AND DUTIES

- A. The Village Marshal and all Village Police Officers shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the Village.
- B. The Village Marshal shall, in the discharge of his/her duties, be subject to the orders of the Chairperson only; all other members of the Police Department shall be subject to the orders of their superiors in the Police Department and the Chairperson only.
- C. Every member of the Police Department shall have power at all times to make or order an arrest with proper process for any offense against the laws of the Village or the State, and to keep the offender in the Village prison or other proper place to prevent

SECTION 35

APPOINTMENT OF MEMBERS

Members of the Reserve Corps of the Police Department shall be appointed by the Chairperson with the consent and approval of the majority of the members of the Board of Trustees.

SECTION 36

TRAINING REQUIREMENTS

The Reserve Corps of the Police Department shall be subject to the training requirements set forth in Section 590.115, RSMo.

SECTION B.

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

READ THE SECOND TIME AND PASSED by the Board of Trustees of the Village of Uplands Park, this _____ day of _____, 2005.

ATTEST:

Village Clerk

Chairperson of the Board of Trustees

APPROVED BY THE CHAIRPERSON, this _____ day of _____, 2005.

ATTEST: