

BILL NO. 363

ORDINANCE NO. 363

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING A POLICE DEPARTMENT FOR THE VILLAGE OF UPLANDS PARK.

BE IT ORDAINED 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 establishes a police department.

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, and shall be and have been a resident 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

his/her escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his/her appearance for trial, and shall also have power to make arrests without process in all cases in which any offense against the laws of the Village or the State shall be committed in his/her presence. Every member of the Police Department is also empowered to serve and execute all warrants, subpoenas, writs or other process issued by the Judge hearing and determining municipal ordinance violation cases of the Village at any place within the limits of the County or Counties within which the Village is located. Every member of the Police Department shall have the power to make or order an arrest in areas leased or owned by the Village outside of the boundaries of the Village.

D. It shall be the duty of the Village Marshal or in his/her absence the Deputy Village Marshal to collect all fines assessed for violations of municipal ordinances if not otherwise collected and pay the same into the Village Treasury.

SECTION 16

DISPOSAL OF UNCLAIMED PROPERTY AND CASH

A. *Unclaimed Property.* All unclaimed property other than money or cash coming into the possession of the Police Department from any source whatsoever and having any value shall be properly marked and catalogued so as to show its source and date of its receipt and shall be kept and disposed of as herein provided. On the first (1st) day of June of each year or the Saturday nearest, all such property which has remained unclaimed for more than one (1) year, and the owner of which is unknown, shall be sold at public auction by the Village Marshal at a suitable place at Police headquarters. Ten (10) days' notice of said sale shall be published in a newspaper of general circulation in the Village; said notice to be published not more than three (3) weeks prior to date of said sale. All monies received from the sale of such property shall be turned over to the Director of Finance to be deposited in the General Revenue Fund of the Village. All property for which no bid is received at such sale shall be destroyed by the Village Marshal in the presence of at least two (2) other members of the Department and a certificate of said destruction, signed by the officers present, shall be filed with the Village Clerk.

B. *Unclaimed Cash.* All money or cash coming into the possession of the Police Department from any source whatever which has remained unclaimed and the owner unknown for a period of at least one (1) year shall be turned over to the Director of Finance and a record thereof kept by him/her. Should the ownership of said money or cash be established within a period of five (5) years from the date of its receipt, then the Director of Finance shall turn the same over to the owner. After a period of five (5) years it shall become a part of the General Revenue Fund of the Village.

SECTION 17

FORFEITURE OF PROPERTY USED IN CONNECTION WITH CERTAIN CRIMINAL ACTIVITIES

- A. *Authorization--Chairperson.* The Village of Uplands Park does hereby authorize the Chairperson to obtain, take and receive all money and property duly forfeited by Federal and State authorities pursuant to applicable Federal or State law and procedures and which is transferred by such authorities to the Village of Uplands Park, Missouri.
- B. *Legal Proceedings--Village's Rights.* The Chairperson is hereby empowered to authorize the initiation of or participation in any legal proceedings by the Village necessary or appropriate to effectuate the Village's rights with respect to any forfeiture of any property.
- C. *Authorization--Village Marshal.* The Village Marshal or his/her authorized representative is hereby authorized and empowered to receive any funds or property forfeited to or for the benefit of the Village and to take, manage and dispose of such money or property as provided by law.
- D. *Sale At Auction--Receipt.* The Village Marshal or his/her authorized representative is hereby authorized and empowered to sell on behalf of the Village any forfeited property which may be received by the Village pursuant to such forfeiture proceedings at public auction advertised at least one (1) time in a newspaper of general circulation in the Village at least one (1) week prior to such auction. The Village Marshal or his/her authorized representative shall obtain from each person purchasing any item at such auction a receipt for such item purchased, containing a description of the item or items, the amount paid for each item and the name and address of the purchaser.
- E. *Funds Received.* The Village Marshal or his/her authorized representative shall place all funds received by the Village as forfeited property or from the sale of forfeited property in appropriate accounts of the Village.
- F. *Special Purpose Property Or Funds.* All forfeited funds or funds from forfeited property received by the Village shall be paid into the general revenues of the Village unless the applicable law relating to such forfeited funds or property requires the use thereof for a specific purpose. Any forfeited funds, property or proceeds thereof required by law to be used for a specified purpose are herein called "*special purpose property or funds*". The Village shall use special purpose property or funds only for the purposes specified in the applicable law authorizing the Village to receive such forfeited funds or property.
- G. *Obtaining Forfeited Funds And Property.* The Village Marshal or his/her authorized representative and all other appropriate officers of the Village are authorized and empowered to sign any applications, documents or other papers and to do any and all

things necessary or appropriate to obtain any forfeited funds or property on behalf of the Village.

SECTION 18

POLITICAL CAMPAIGNING BY POLICE OFFICERS RELATING TO OFFICES OF THE VILLAGE -- PROHIBITED

A. Subject to the limitations of the following Subsections, all Police Officers of the Village shall be prohibited from campaigning for or against the candidacy of any individual for nomination or election to any public office of the Village.

1. This Section shall not limit the constitutional freedom of any individual to exercise his/her right as a citizen to express his/her opinion and to cast his/her vote.

2. This Section shall not prevent any individual from participating in political affairs at levels of government other than the Village of Uplands Park, provided that such participation does not adversely affect his/her performance as a Police Officer of the Village.

3. This Section shall not prevent any Police Officer himself/herself from being a candidate and campaigning for the elected position of Marshall/Collector of the Village of Uplands Park, so long as that position is an elected position of the Village of Uplands Park.

B. For the purposes of this Section, Police Officer is defined as in this Chapter and the Statutes of the State of Missouri.

C. The term "*campaign*" as it is used in this Section includes: Canvassing, leafleting, allowing one's name to appear on any campaign literature or advertising, telephone solicitation, picketing, and providing labor or services to any political candidate or his/her organization or any political organization formed to advocate or oppose any ballot issue.

D. Violation of this Section shall subject any Police Officer of the Village to termination of employment.

SECTION 19

ITEMS INCLUDED IN "CLOTHING"

The provisions for the furnishing and cleaning of uniforms shall include the clothing required to be worn by dispatchers. The term "*clothing*" shall not include shoes, socks and underwear.

SECTION 20

CLEANING

The Village shall let a contract to a reputable cleaning establishment for the purpose of allowing the uniforms of each uniformed Police Officer, and for the purpose of allowing the civilian suits worn by detectives or other officers when required, to be cleaned at the designated cleaning establishment; there shall be two (2) complete cleanings per week; provided that additional cleanings may be made upon proper authorization under extenuating circumstances.

SECTION 21

DESIGNATION, DUTIES OF SUPPLY OFFICER

The Village Marshal shall designate a supply officer who shall be responsible for uniform dispensing and stock.

SECTION 22

RESPONSIBILITY OF COMMANDERS FOR PROPER DRESS AND APPEARANCE

The commander of each shift or watch shall be responsible for the proper dress and appearance of the men working under him/her.

SECTION 23

RETURN OF VILLAGE PROPERTY

All uniform clothing, material and equipment purchased by the Village for use by the regularly assigned Police Officers shall remain the property of the Village and be returned to the Village Marshal upon leaving the employ of the Village for any reason whatsoever.

SECTION 24

REGULATIONS AUTHORIZED

The Village Marshal shall, by proper regulation, carry out the provisions of this Article.

SECTION 25

CONTRACT DECLARED -- WHEN EFFECTIVE

The Village hereby contracts and agrees to cooperate with each and every Village, town and Village within St. Louis County, Missouri, and with the Village of St. Louis, for common police service, under the terms and conditions hereinafter set forth. This contract shall become effective with respect to each such municipality upon the adoption of a like ordinance by the legislative body of such Village authorizing such contract by such Village.

SECTION 26

WHEN DEPARTMENT TO RESPOND

The Police Department of the Village will respond if consistent with the public safety of the Village to a request for assistance from the Police Department of any municipality which is a party to this contract, pursuant to the directions and regulations provided by the Village Marshal of the Village.

SECTION 27

POWERS, RIGHTS OF RESPONDING OFFICERS

Each Uplands Park Police Officer performing services in any other municipality in accordance with the terms of this contract shall have all of the powers, rights, privileges, duties and immunities as the members of the police force of the municipality requesting assistance, provided that no Police Officer, officer or employee of any participating municipality shall be considered a Police Officer, officer or employee of any municipality other than the one by which he/she is regularly employed.

SECTION 28

CONSIDERATION DECLARED

The consideration for this agreement shall be the service given for the protection of lives and property by the Police Department of each participating municipality and no compensation shall accrue or be paid by any participating municipality to any other.

SECTION 29

RESPONSIBILITY FOR EQUIPMENT

Equipment and property utilized in the carrying out of the common police service provided by this agreement shall be at the risk of the municipality owning same and any loss or damage thereto shall be borne by such owner-municipality; providing that nothing herein contained shall be construed to limit the liability of any municipality or its agents, servants or employees arising out of tortuous conduct.