

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2005  
Proposal No. 627, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to establish a metropolitan law enforcement agency through the consolidation of the Indianapolis police department and the county police force of the Marion County sheriff's department, to establish transition advisory entities and make other provisions to ensure that such consolidation proceeds in an orderly fashion, and to make corresponding technical changes to numerous sections of the Code;

Witnesseth that:

WHEREAS, IC 36-3-1-5.1, as amended by Senate Enrolled Act 307 of the 2005 Regular Session of the Indiana General Assembly (Public Law 227-2005), authorizes the city-county council to adopt an ordinance to consolidate the police department of the consolidated city and the county police force\_of the county sheriff's department; and,

WHEREAS, the city-county council has held a public hearing on such proposed consolidation; and

WHEREAS, while the sheriff's duties to the county under the Indiana Constitution do not require responsibility for law enforcement operations, it is desirable that the sheriff be responsible for the law enforcement operations of the consolidated city; and,

WHEREAS, it is the intent of the city-county council to respect all laws regarding the status of Marion County and the Consolidated City of Indianapolis; and,

WHEREAS, the city-county council hereby determines that better police service can be provided through the consolidation of the Indianapolis Police Department and the county police force of the Marion County Sheriff's Department, thus satisfying the reasonable and adequate standard set forth in Senate Enrolled Act 307 (P.L. 227-2005); and

WHEREAS, the city-county council hereby further determines that such consolidation is in the public interest; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County hereby is amended by the addition of a NEW Chapter 279, to read as follows:

**Chapter 279**

**METROPOLITAN LAW ENFORCEMENT AGENCY**

**ARTICLE I. IN GENERAL**

**Sec. 279-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Advisory Committee* means the metropolitan law enforcement consolidation transition advisory committee established by Section 279-203 of this chapter.

*Advisory Council* means the metropolitan law enforcement advisory council that may be established pursuant to Section 279-205 of this chapter.

*Authority* means the metropolitan law enforcement consolidation transition authority established by Section 279-201 of this chapter.

*Board* means the metropolitan law enforcement merit board established by Section 279-232 of this chapter.

*Chief* means the chief of the metropolitan law enforcement agency appointed under Section 279-221 of this chapter.

*Director* means the executive director of the transition advisory committee appointed by the authority pursuant to Section 279-202 of this chapter.

*Metropolitan law enforcement agency or agency* means the consolidated law enforcement department referenced in Senate Enrolled Act 307 of the 2005 Regular Session of the Indiana General Assembly (P.L. 227-2005) and the metropolitan law enforcement agency established by Section 279-102 of this chapter.

*Metropolitan law enforcement steering committee* means the metropolitan law enforcement steering committee established by Section 279-205 of this chapter.

*Sheriff's department* means the Marion County sheriff's department.

**Sec. 279-102. Establishment and jurisdiction.**

(a) The metropolitan law enforcement agency is established effective January 1, 2006.

(b) Effective January 1, 2006, the Indianapolis police department and county police force of the sheriff's department shall coordinate their financial and purchasing operations through the metropolitan law enforcement agency. The two departments may collaborate regarding information technology, personnel and administration as they deem appropriate and beneficial to the public.

(c) The metropolitan law enforcement agency shall provide law enforcement services for the consolidated city effective January 1, 2007, through the consolidation of the Indianapolis police department and the county police force of the sheriff's department as authorized by IC 36-3-1-5.1, and as provided by this chapter. As such, the agency constitutes the legal successor-in-interest to both the Indianapolis police department and the county police force of the sheriff's department. The agency may provide law enforcement services in an excluded city as provided in IC 36-1-7.

(d) The sheriff, through his appointed chief, shall have exclusive responsibility for the day-to-day operations of the agency.

**Sec. 279-103. Transfer of members from other departments; effect on length of service and participation in pension plans; and assumption of labor agreements.**

(a) After December 31, 2006:

(1) Members of the Indianapolis police department cease employment with the consolidated city; and

(2) County police officers cease employment as county police officers;

and become members of the metropolitan law enforcement agency under this chapter.

(b) For purposes of this chapter, whenever a certain length of service with the agency is required for a particular appointment, a member of the agency with service as a member of the Indianapolis police department or a county police officer with the sheriff's department before January 1, 2007, shall have that service included in determining the member's total length of service with the agency.

(c) As provided in IC 36-3-1-5.1, a member whose employment transfers to the agency under this section:

(1) Remains a member of the pension fund, or an employee beneficiary of the pension trust in which the member participated prior to January 1, 2007;

(2) Retains pension fund or pension trust benefits and credit for service earned that accrued prior to January 1, 2007; and

(3) Continues to earn service credit in the pension fund or pension trust as a member of the agency for purposes of determining the member's eligibility for benefits.

(d) With respect to agreements with labor organizations, the agency shall assume all such agreements that:

(1) Are in effect on the effective date of the consolidation; and

(2) Apply to employees of either the Indianapolis police department or the sheriff's department and whose employment transfers to the agency under this section.

(e) Members of the metropolitan law enforcement agency may not be assigned to divisions of the sheriff's department. Provided, however, at the sheriff's discretion, county police assigned to non-law enforcement divisions within the department on December 31, 2006, may continue such assignments through December 31, 2010. The agency shall charge the department for the costs, including wages and benefits, associated with such a temporary assignment. Such employees shall not hold any rank in the agency higher than their permanent rank during such temporary assignment.

(f) The chief, with the approval of the sheriff, shall endeavor to assign and maintain members of the agency in a manner to achieve the goal of proportional representation of former police officers and sheriff's deputies throughout the divisions and appointed ranks of the agency, including disciplinary board of captains appointments provided in Sec. 279-237(j), through December 31, 2010.

**Sec. 279-104. Transitional merit process.**

(a) Effective January 1, 2006, the existing merit promotions lists of both the Indianapolis police department and the sheriff's department shall expire. Prior to January 1, 2007, the two departments shall engage in joint promotional processes for all merit ranks.

(b) For the period from January 1, 2007, through December 31, 2010, the chief, with the approval of the merit board, shall endeavor to promote members of the agency in a manner to achieve the goal of proportional representation of former police officers and sheriff's deputies throughout the divisions and appointed ranks of the agency.

**ARTICLE II. ORGANIZATION**

**DIVISION 1. METROPOLITAN LAW ENFORCEMENT CONSOLIDATION  
TRANSITION ENTITIES**

**Sec. 279-201. Metropolitan law enforcement consolidation transition authority established.**

(a) The metropolitan law enforcement consolidation transition authority is established.

(b) The authority consists of the following three (3) members:

(1) The sheriff,

(2) The mayor; and

(3) The president of the city-county council.

(c) The authority is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(d) The chairperson of the authority shall be selected by the members of the authority.

(e) Three (3) members of the authority shall constitute a quorum for the transaction of business.

- (1) A maximum of one (1) member of the authority may participate in a meeting of the authority by telephone.
- (2) Should a member of the authority miss a meeting of the authority, the quorum for the next meeting of the authority shall be reduced to two (2) members for subsequent meetings until the third member appears.
- (3) Notice of all meetings of the authority shall be delivered personally to each member of the authority or his designee for notice purposes. The city-county council clerk shall maintain a record of each member's designee for notice purposes.

(f) The authority shall hold regular meetings at least once a month as necessary to transact the business of the authority. The chairperson shall be responsible for scheduling the authority's meetings and shall use his/her best efforts to schedule the meetings at a time all three (3) members of the authority are able to attend.

(g) The authority shall provide progress reports on the status or consolidation when called upon by the chair of the city-county council's law enforcement consolidation committee to do so, however, such status updates shall be presented on not less than a bi-monthly schedule.

**Sec. 279-202. Powers and duties of the authority.**

(a) Between the effective date of this ordinance and December 31, 2006, the authority shall undertake to do the following:

- (1) Plan the consolidation of the Indianapolis police department and the county police force of the sheriff's department so that such consolidation shall be effective January 1, 2007;
- (2) Appoint an executive director of the advisory committee, who shall serve at the pleasure of the authority, to oversee the advisory committee, coordinate communications between the advisory committee and the authority, and perform other duties as assigned by the authority and related to law enforcement consolidation;
- (3) Decide central transition questions upon recommendation of the executive director and advisory committee;
- (4) Appoint one (1) member of the metropolitan law enforcement merit board for a term beginning on January 1, 2007, as provided in section 279-233 of this chapter;
- (5) Identify cost savings and transition expenses related to the consolidation;
- (6) Identify the areas of study to be undertaken by both the transition advisory committee and the law enforcement steering committee; and
- (7) Submit to the city county council law enforcement committee, in conjunction with the committee's transition progress review to be performed as provided in section 279-206, a report evaluating the effectiveness of the implementation of merit hiring and promotion principles, including the status of compliance with sections 279-104 and 279-234.
- (8) Exercise all powers necessary, convenient, or appropriate to perform the duties listed in subdivisions (1) through (6) of this subsection, or any other duties necessary to complete the consolidation of the Indianapolis police department and county police force of the sheriff's department into the metropolitan law enforcement agency.

(b) The authority shall not have input into or be responsible for the day-to-day law enforcement operations of the department; rather such day-to-day operations shall be the responsibility of the Sheriff; through the chief.

**Sec. 279-203. Metropolitan law enforcement consolidation transition advisory committee established.**

(a) The metropolitan law enforcement consolidation transition advisory committee is hereby established, the members of which shall consist of the following fifteen (15) members:

- (1) The executive director, appointed pursuant to Sec. 279-202, shall be a non voting member, who shall act as chair of the transition advisory committee.
- (2) Two (2) members appointed by the sheriff;
- (3) One (1) member appointed by the mayor;
- (4) Two (2) city-county council members;
- (5) Two (2) members appointed by the chief of the Indianapolis police department;
- (6) One (1) member of the Fraternal Order of Police Executive Board appointed by the Fraternal Order of Police;
- (7) The director of the office of finance and management;
- (8) The minority leader of the city-county council;
- (9) One (1) member appointed by the city-county council having expertise in criminal justice matters;
- (10) The Public Safety Director; and
- (11) The vice president of the city-county council; and
- (12) A citizen of Marion County appointed by the transition authority.

(b) All appointments to the transition advisory committee must be made on or before December 31, 2005.

(c) The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(d) One (1) member appointed by the sheriff and one (1) member appointed by the chief of the Indianapolis police department, from the transition advisory committee, shall act as co-chairs of the law enforcement steering committee created by Sec. 279-205 of this chapter.

(e) Eight (8) members of the committee constitute a quorum for the transaction of business.

(f) The committee shall hold regular meetings at least once a month as necessary to transact the business of the committee.

(g) The committee shall report and make recommendations to the transition authority on each area of consolidation as identified by the authority.

(h) The committee shall have available to it any resources of the city and county as deemed necessary and approved by the transition authority in order to accomplish its duties as prescribed by this chapter.

**Sec. 279-204. Powers and duties of the transition advisory committee.**

(a) Between the effective date of this ordinance and December 31, 2006, the advisory committee shall undertake to do the following:

- (1) Make recommendations to the authority regarding the consolidation of the Indianapolis police department and the county police force of the sheriff's department, including but not limited to investigative units, special teams, training, information technology, personnel, and administration, beats, community policing strategy and other central transition questions so that such consolidation shall be effective no later than January 1, 2007;
- (2) Identify cost savings and transition expenses related to the; and
- (3) Exercise all powers necessary, convenient, or appropriate to perform the duties listed in subdivisions (1) and (2) of this subsection, or any other duties assigned by the authority.

**Sec. 279-205. Metropolitan law enforcement steering committee established.**

(a) The metropolitan law enforcement steering committee is hereby established the members of which shall consist of the following forty three (43) members:

- (1) Six (6) members appointed by the Sheriff, one of whom shall serve as co-chair pursuant to Sec. 279-203(d);
- (2) Six (6) members appointed by the chief of the Indianapolis police department, one of whom shall serve as co-chair pursuant to Sec. 279-203(d);
- (3) Three (3) members appointed by the Fraternal Order of Police executive board;
- (4) Fourteen (14) sworn members of the county police force, two (2) each from the Administration, Communications, Civil, Executive, Investigations, Jail and Law Enforcement divisions. Each district or division shall make its selection by secret ballot by the members of each said district or division. Each division shall select one (1) merit supervisor and one (1) merit deputy.
- (5) Fourteen (14) sworn members of the Indianapolis police department, two (2) each from the Downtown, South, North, East and West districts; and two (2) from Investigations; and two (2) from Administration and Operations combined. Each district or division shall make its selection by secret ballot. Each district or division shall select one (1) merit supervisor and one (1) first-class patrolman.

(b) All appointments and elections of members to the law enforcement steering committee must be made on or before December 31, 2005.

(c) The members entitled to vote for their respective representatives and those having appointive authority to the steering committee are encouraged to undertake reasonable measures to assure that the committee reflects the race and gender of all members of the departments to be consolidated pursuant to this chapter.

(d) The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(e) The co-chairs of the committee shall be responsible for appointing members of the steering committee to sub-committees as they deem necessary and may vote to break an otherwise tie vote in a sub-committee.

(f) Twenty two (22) members of the committee constitute a quorum for the transaction of business.

(g) The full committee shall hold regular meetings at least once a month or as is necessary in order to transact the business of the committee.

(h) The committee shall report upon and make recommendations to the co-chairs of the committee on each action assigned which reports will be included in the co-chair's report to the transition advisory committee for each area of consolidation as identified for the steering committee by the transition authority.

(i) The committee shall have available to it any resources of the city and county as deemed necessary and approved by the transition authority in order to accomplish its duties as described by this section.

**Sec. 279-206. City-county council review; dissolution of the authority and committees.**

(a) On or after December 1, 2007, the city-county council law enforcement consolidation committee shall review the progress of the transition. At such time, the council shall vote to dissolve the authority and the committees.

(b) When the city-county council votes to dissolve the authority and the committees pursuant to subsection (a) of this section, the metropolitan law enforcement advisory council shall be established.

(c) Until such time as the consolidation transition authority is dissolved pursuant to subparagraph (a), the authority shall make quarterly progress reports to the law enforcement consolidation committee.

**Sec. 279-207. Law enforcement advisory council.**

(a) The advisory council established pursuant to Sec. 279-206(c) shall include, at a minimum, the following members:

- (1) The sheriff;
- (2) One (1) member appointed by the mayor;
- (3) Two (2) members appointed by the city-county council, who may not be from the same political parties;
- (4) One (1) member with public safety expertise, appointed as provided by the city-county council;
- (5) One (1) member with management expertise, appointed as provided by the city-county council;
- (6) One (1) member with expertise in municipal finance and budgeting, appointed as provided by the city-county council; and
- (7) The Public Safety Director.

(b) The advisory council shall have, at a minimum, the following duties and responsibilities:

- (1) Review planning and operations of the agency;
- (2) Review relevant fiscal matters;
- (3) Receive citizen input;
- (4) Make recommendations to the sheriff and chief on matters of priority and policy; and
- (5) Exercise all powers necessary, convenient, or appropriate to perform the duties listed in subdivisions (1) through (4) of this subsection.

(c) The advisory council is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(d) Four (4) members of the advisory council constitute a quorum for the transaction of business.

(e) The advisory council shall hold regular meetings at least once a month.

DIVISION 2. IN GENERAL

**Sec. 279-221. Appointment and qualifications of chief; powers and duties.**

(a) The metropolitan law enforcement agency shall be under the direction of a chief, who serves at the pleasure of the sheriff.

(b) The sheriff shall appoint the chief of the metropolitan law enforcement agency, subject to city-county council confirmation and approval by the mayor. The initial chief under this subsection shall be the chief of the Indianapolis police department who shall be appointed chief of the metropolitan law enforcement agency beginning January 1, 2007. The chief shall serve at the pleasure of the sheriff. Members appointed to the rank of assistant chief, deputy chief, district deputy chief or equivalent positions shall be presented in person by the chief to the City-County council's public safety and criminal justice committee annually.

(c) In order to qualify for appointment, the chief must meet the requirements under IC 36-8-4-6.5.

(d) If a person was a member of the metropolitan law enforcement agency before the person's appointment as the chief of the metropolitan law enforcement agency, upon the expiration of the person's term as chief, the board shall appoint the person to the permanent rank in the agency that the person held at the time of the person's appointment as chief.

(e) If the person, during the person's tenure as chief, has qualified, in accordance with the promotion procedure prescribed by the board in its rules, for a rank in the agency that is higher than the rank the person held before the person's appointment as chief, the board shall, upon the expiration of the person's term as the chief, appoint the person to the rank for which the person has qualified under the promotion procedure, if there is a vacancy in that rank.

(f) The chief shall have the powers and duties assigned to him or her in this chapter, and as otherwise provided by law. Specifically, the chief shall be responsible for establishing a system of orders and procedures for the agency, hiring and discipline as provided by the merit system, and day-to-day operations of the agency.

(g) The chief is hereby designated to serve as the co-applicant for a warrant or an extension of a warrant under IC 35-33.5-2.

**Sec. 279-222. Appointment of members.**

Members of the metropolitan law enforcement agency who are not transferred to the agency under Section 279-103 of this chapter shall be appointed as provided in Division 3 of this article.

**Sec. 279-223. Members' powers and duties.**

(a) Each member of the metropolitan law enforcement agency has:

- (1) The powers set forth in IC 36-8-3-6; and
- (2) The powers set forth in IC 36-8-10-9 that are not set forth in IC 36-8-3-6.

(b) The members of the metropolitan law enforcement agency shall perform law enforcement duties as assigned by the sheriff or as required by law.

**Sec. 279-224. Budget and salaries; provision for payment of expenses.**

(a) The expenses of the metropolitan law enforcement agency are a part of the sheriff's department's budget. Subject to review by the authority or advisory council, whichever is in existence at the time, the chief, with the approval of the sheriff, shall recommend the number and salary of the members of the metropolitan law enforcement agency, but the city-county council shall finally determine the budget and salaries of the agency.



(b) The consolidated city, the police special service district, and the county may levy property taxes as provided by law to provide for the payment of the expenses for the operation of the agency.

**Sec. 279-225. Uniforms.**

The county shall furnish the sheriff and the members of the agency with the uniforms or other clothing that they need to perform their duties. However, after one (1) year of service in the agency, a member may be required by the county to furnish and maintain the member's own uniform or other clothing upon payment to the member by the county of an annual cash allowance.

**Sec. 279-226. Civilian employees.**

(a) The metropolitan law enforcement agency shall make maximum use of civilian employees in positions not requiring fully trained or empowered police officers. The board shall prescribe and promulgate such rules and regulations as it deems necessary concerning the employment and management of such civilians. The chief, subject to the approval of the sheriff, shall be responsible for the hiring and supervision of all civilian employees of the agency.

(b) All civilian employees of the agency, other than those in appointive positions, shall be considered merit employees. All civilian personnel management programs shall be administered in accordance with the merit systems outlined in Division 3 of this article.

(c) All civilian employees shall serve as probationers for one (1) year from the date of employment. During this time, the employment of such employee may be terminated by the chief with or without cause, and such termination shall be final and not subject to review. If his or her employment is not otherwise terminated, such employee shall become a regular employee at the end of one (1) year and is subject to termination or discipline thereafter in conformity with rules and regulations adopted by the authority.

**Sec. 279-227. Eligibility for take-home cars; restricted use.**

Effective January 1, 2007, eligibility to participate in the take-home car program shall be determined in compliance with the policy established by the authority pursuant to Sec. 279-202 of the code as amended from time to time by the sheriff after the authority is dissolved pursuant to Sec. 279-206 of the code. Prior to January 1, 2007, eligibility to participate in the take-home car program, if any, shall be determined in compliance with existing policies of the Indianapolis police department or Sheriff's department, whichever is applicable.

DIVISION 3. MERIT SYSTEM

**Sec. 279-231. Designation of merit system.**

Pursuant to IC 36-3-1-5.1, the merit system established in this article is hereby designated the merit system for the metropolitan law enforcement agency

**Sec. 279-232. Merit board established.**

(a) The merit board for the metropolitan law enforcement agency is established, effective January 1, 2007.

(b) The board and merit systems of the Indianapolis police department and the sheriff's department are abolished, and the duties of those boards are transferred and assumed by the board, effective January 1, 2007 unless otherwise provided in this chapter.

**Sec. 279-233. Appointment or election of board members; qualifications.**

(a) The board consists of seven (7) members as follows:

(1) Four (4) members appointed by the sheriff;

- (2) For the first term of the board, one (1) member appointed by the authority;
- (3) For all subsequent terms of the board, one (1) member appointed by the authority or advisory council, whichever is in existence at the time; and
- (4) Two (2) members elected by a majority vote of the active members of the agency.

(b) An active member of the metropolitan law enforcement agency may not serve on the board.

(c) The term of office for an appointed or elected member of the board is four (4) years, beginning on the date the member is qualified and assumes office, or for the remainder of an unexpired term. Members of the board serve during their respective terms and until their successors have been appointed and qualified.

(d) Not more than:

(1) Two (2) of the members appointed by the sheriff; or

(2) One (1) of the members elected by the members of the metropolitan law enforcement agency;

may belong to the same political party.

(e) Each member of the board must reside in the county.

(f) Each member of the board may be removed for cause duly adjudicated by declaratory judgment of the Marion superior court.

(g) Each member of the board is entitled to receive reimbursement from the county for actual expenses incurred while serving as a member.

(h) As soon as practicable after they are appointed and elected, the members of the board shall meet upon the call of the sheriff and organize by electing a president and a secretary from among their membership.

(i) Five (5) members of the board constitute a quorum for the transaction of business.

(j) The board must hold regular monthly meetings throughout the year as is necessary to transact the business of the metropolitan law enforcement agency.

**Sec. 279-234. Classification of ranks, grades and positions; appointment of members.**

(a) The authority or advisory council, whichever is in existence at the time, shall establish a classification of ranks, grades, and positions for members of the metropolitan law enforcement agency. For each rank, grade, and position, the chief, with the approval of the board, shall:

(1) Set reasonable standards of qualifications; and

(2) Fix the prerequisites of training, education, and experience.

(b) An individual may not be appointed or reappointed as a member of the metropolitan law enforcement agency after December 31, 2006, unless the individual:

(1) Is less than thirty-six (36) years of age; and

(2) Passes:

- a. The aptitude, physical agility, and physical examination required by the local board; and
- b. The statewide baseline standards required by IC 36-8-8-19;

however, this subsection does not apply to an individual who becomes a member of the metropolitan law enforcement agency under Sec. 279-103 of this chapter.

(c) The chief, with the approval of the board, shall devise and administer examinations designed to test applicants for the qualifications required for the respective ranks, grades, or positions. After these examinations, the chief and the board shall jointly prepare a list naming only those applicants who, in the opinion of both the chief and the board, best meet the prescribed standards and prerequisites. The chief only appoints members of the metropolitan law enforcement agency from among the persons whose names appear on this list. All members appointed to the metropolitan law enforcement agency under this chapter are on probation for one (1) year after the date of appointment.

(d) The chief, in his or her sole discretion, may:

- (1) Establish a temporary administrative rank or position within the agency; and
- (2) Appoint to and remove from a temporary administrative rank or position a member of the metropolitan law enforcement agency who meets the requirements in subsection (e) of this section.

(e) Except as provided by Sections 279-103 and 279-104 of this chapter, a member who has served as a member of the agency at least five (5) years before the appointment and holds the merit rank of at least lieutenant is eligible for appointment to a temporary administrative rank or position described in subsection (d) of this section. A member retains the rank, grade, or position awarded under subsection (c) of this section while serving in a temporary administrative rank or position. A temporary administrative rank or position established under subsection (d) of this section does not diminish or reduce the number and classifications of the existing merit ranks within the metropolitan law enforcement agency. Subsection (d) of this section and this subsection may not be construed to limit, modify, annul, or otherwise affect a collective bargaining agreement.

**Sec. 279-235. Preferences for employment, promotions and appointments.**

(a) Except as provided in subsections (b) and (c) of this section, the board shall give a preference for employment to a war veteran who has been honorably discharged from the United States armed forces.

(b) The board shall establish process phases and procedures for use in screening applicants to the department and members seeking promotion or appointment within the department. The board and the chief may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, court decisions and decrees now binding on either the Indianapolis police department or the Marion County sheriff's department, and generally acceptable law enforcement standards. The process may include, but need not be limited to, such phases as preliminary screening, physical agility testing, written examinations, interviews, background investigations, psychological testing, medical examinations, and polygraph examinations related specifically to the application process.

(c) A person described in subsection (a) of this section may not receive a preference for employment unless the person applies for such employment, and meets all employment requirements prescribed by:

- (1) Law, including physical and age requirements; and
- (2) The metropolitan law enforcement agency.

**Sec. 279-236. Rules and regulations.**

The authority or advisory council, whichever is in existence at the time, shall establish written rules and regulations governing the discipline of members of the metropolitan law enforcement agency. Rules and regulations established by the authority under this section must conform to the disciplinary procedure required by Section 279-237 of this chapter.

**Sec. 279-237. Discipline; merit board procedures and appeals.**

(a) The civilian police merit board of the metropolitan law enforcement agency shall establish disciplinary policies for use in all disciplinary matters of the agency. The merit board, in conjunction with the chief, subject to approval of the sheriff, shall establish the rules and regulations for the agency. All disciplinary charges shall be based on these rules and regulations.

(b) Disciplinary actions within the agency shall be in one (1) of the following forms:

- (1) Written reprimand;
- (2) Suspension without pay;
- (3) Demotion;
- (4) Discharge.

(c) An officer may be placed on leave with pay for up to thirty (30) calendar days by the chief pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The chief shall have the ultimate authority to discipline any member of the agency, subject only to the restrictions outlined below. In making his determination, the chief may refer the matter to a disciplinary board of captains for recommendation. Following his determination in a disciplinary matter, the chief may:

- (1) Issue a written reprimand.
- (2) Suspend an officer without pay for up to six (6) calendar months. If the suspension is for more than ten (10) working days, the officer may appeal that portion of the suspension greater than ten (10) days to the merit board. Such appeal must be made within thirty (30) calendar days of notice of the action.
- (3) Demote the officer in rank by one (1) merit rank. Any demotion may be appealed to the merit board within thirty (30) calendar days of notice of action.
- (4) Recommend discharge of the officer to the merit board. Upon referral of the matter to the merit board, the merit board shall conduct a de novo administrative hearing of record. Pending determination by the merit board, the officer shall be placed on suspension without pay.
- (5) Reinstate with pay any officer who previously was suspended without pay.

Provided, however, that the chief shall consult with the sheriff regarding any discipline exceeding a ten (10) day suspension.

(e) Departmental superiors shall have the authority to discipline subordinate officers as outlined below. However, these superiors may recommend any of the above disciplinary actions to the chief through the chain of command.

The assistant chief, deputy chiefs and majors may: (1) issue a written reprimand or (2) suspend an officer for not more than ten (10) working days without pay. The chief may delegate additional disciplinary authority to the assistant and deputy chiefs.

Captains may: (1) issue a written reprimand or (2) suspend an officer for not more than three (3) working days without pay.

Lieutenants may: (1) issue a written reprimand or (2) suspend an officer for not more than two (2) working days without pay.

Sergeants may: (1) issue a written reprimand or (2) suspend an officer for one (1) working day without pay.

(f) Officers in non-merit appointed ranks who are classified by the agency as exempt executive, administrative or professional employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(g) All disciplinary actions taken by anyone except the chief shall be forwarded in writing to the disciplinary board of captains through the chain of command within three (3) working days of the action. The disciplinary board of captains shall ensure due process and consistency of discipline throughout the department. This disciplinary board may conduct an administrative review of the matter, request further investigation by internal affairs or other appropriate personnel, or hold a hearing on the matter.

(h) If a hearing is held by the disciplinary board of captains, the officer charged shall be notified in writing of the charges and the time and date of the hearing. In such hearings, and pursuant to departmental policy, the officer shall have the right to have counsel present and to have witnesses subpoenaed by the board of captains to testify in his or her behalf upon advance notice to the board. All testimony before the captains' board shall be under oath, and any individual appearing before the board shall cooperate fully and answer all questions truthfully and directly. The hearing before the captains' board shall be conducted in accordance with the written directives of the chief and the merit board. After the hearing, the board of captains shall, upon majority vote, reduce to writing its findings of either guilty or not guilty.

(i) The disciplinary board of captains shall report the results of its review and/or hearing to the chief for determination. Included in this report shall be the disciplinary board's findings and recommendations. If the finding is "guilty," the disciplinary board shall also make its recommendations for punishment. The chief may concur with the captain's board in full or in part or may fully or partially reverse its recommendations.

(j) The disciplinary board of captains shall consist of three (3) officers holding the permanent merit rank of captain, who shall serve for a period of three (3) months. Each captain shall be selected at random. The names of the captains shall be drawn from a list of all eligible captains by the police officer ranking first on the most current sergeant's promotion list who shall serve for a period of three (3) months and who shall then be succeeded by the next highest ranking officer on such list who shall serve for a three-month period and so forth. If a vacancy occurs on the board of captains by reason of a board member becoming unable to perform his duties and serve on such board, the vacancy shall be filled in the same manner in which the board was selected.

(k) Disciplinary actions addressed by the merit board on appeal from the officer shall be handled through administrative hearing. This hearing shall be de novo and shall be a hearing of record. In making an appeal, the officer shall submit a written request for appeal to the merit board within thirty (30) calendar days of notice of disciplinary action. The merit board then shall schedule the hearing, providing the officer with at least fifteen (15) calendar days' notice prior to the hearing date. The evidence before the merit board shall consist of the written charges and action taken on such charges, the findings of fact and recommendations from the chief and/or the disciplinary board of captains, and any other evidence requested by the merit board or presented by the charged officer.

(l) The officer requesting an appeal and the chief may be represented by legal counsel before the merit board.

(m) After hearing the evidence, the merit board shall, by majority vote, reduce its findings and decision to writing. The merit board may fully or partially affirm or reverse any portion of the chief's determination which is appealable. In addition, the merit board may remand the action for further review by the chief.

(n) If the officer is found not guilty by the merit board, any pay he or she may have lost due to suspension, or any rank lost due to demotion, shall be returned to the officer.

(o) Any officer who disagrees with the findings of the merit board shall have the right to file a verified petition to the superior or circuit court of Marion County for a review of the decision. The petition for review must be filed within thirty (30) calendar days after the written decision of the board. The City of Indianapolis shall be the sole defendant in the petition for review. Within thirty (30) calendar days after receipt of a summons, the city shall cause the merit board to file a true and complete copy of the transcript of the hearing with the court. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the metropolitan law enforcement agency and the appealing officer. Either party may appeal the decision of the court.

(p) For the purpose of all hearings before the disciplinary board of captains and the merit board, each shall have subpoena power enforceable by the circuit or superior court of the county.

(q) A copy of any disciplinary action taken and of the findings of fact and recommendations of the board shall be forwarded to the charged officer. In addition, if an officer is found guilty, notice of the action shall be forwarded to the merit board and made a permanent part of the officer's personnel record.

#### DIVISION 4. MISCELLANEOUS

##### **Sec. 279-241. Residency of members.**

A member of the agency shall reside within Marion County or a county contiguous to Marion County; however, this section does not apply to a member of the agency who:

- (1) Was a member of the Indianapolis police department and becomes a member of the agency under Section 279-103 of this chapter; and
- (2) Resided outside the county on January 1, 1975.

##### **Sec. 279-242. Political activity of members.**

A member of the metropolitan law enforcement agency may:

- (1) Be a candidate for elective office and serve in that office if elected;
- (2) Be appointed to an office and serve in that office if appointed;
- (3) Except when in uniform or on duty, solicit votes or campaign funds for the member or others; and
- (4) Not be dismissed, demoted, or temporarily suspended because of political affiliation or activity that is authorized by this section.

##### **Sec. 279-243. Member who becomes sheriff; effect on rank.**

(a) If a person who is a member of the metropolitan law enforcement agency becomes sheriff, either by election or by appointment, upon the expiration of the person's term as sheriff and upon the person's written application, the board shall appoint the person to the rank in the agency that the person held at the time of the person's election or appointment as sheriff, if there is a vacancy in the agency.

(b) If the person, during the person's tenure as sheriff, has qualified, in accordance with the promotion procedure prescribed by the board in its rules, for a rank in the agency that is higher than the

rank the person held before election or appointment as sheriff, the board shall, upon the expiration of the person's term as sheriff, appoint the person to the rank for which the person has qualified under the promotion procedure, if there is a vacancy in that rank.

**Sec. 279-244. County payment for injury or illness.**

(a) As used in this section, *care* means and includes:

- (1) Medical and surgical care;
- (2) Medicines and laboratory, curative, and palliative agents and means;
- (3) X-ray, diagnostic, and therapeutic service, including service during the recovery period; and
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(b) After deducting expenditures paid by an insurance or worker's compensation program, the county shall pay for the care of the following persons:

- (1) A member of the metropolitan law enforcement agency who suffers an injury or contracts an illness while the member is on duty or while the member is off duty and is responding to an offense or a reported offense; and
- (2) A jail employee who suffers an injury or contracts an illness while the employee is on duty.

(c) The county shall pay the expenditures required by subsection (b) of this section from the general fund of the county.

**Sec. 279-245. Procedures in the event of reduction in force.**

(a) As used in this section, *appointing authority* means the chief and the board.

(b) When it is necessary for financial reasons for the appointing authority to reduce by layoff the number of members of the metropolitan law enforcement agency, members shall be laid off in reverse hiring order, with the last member appointed to the agency being the first to be laid off, until the desired level of employment is achieved.

(c) If the metropolitan law enforcement agency's membership is increased, the members of the agency who have been laid off under subsection (b) of this section shall be reinstated before any new member is appointed to the agency. Members shall be reinstated in reverse of the order in which the members were laid off with the last member laid off from the agency being the first to be reinstated.

(d) A member of the metropolitan law enforcement agency who is laid off shall keep the appointing authority advised of the member's current address. The appointing authority shall inform a member of the member's reinstatement by written notice sent by certified mail to the member's last known address.

(e) Not later than twenty (20) days after the date the notice of reinstatement is sent under subsection (d) of this section, the member shall advise the appointing authority whether the member:

- (1) Accepts reinstatement; and
- (2) Will commence employment on the date specified in the notice.

(f) All reinstatement rights granted to a member under this section terminate on the earlier of:

- (1) The date the member fails to accept reinstatement within the time specified in subsection (e) of this section; or
- (2) Three (3) years after the date on which a member's layoff begins.

DIVISION 5. RESERVE MEMBERS OF THE METROPOLITAN LAW ENFORCEMENT AGENCY

**Sec. 279-251. Created; chief to supervise; maximum number of members.**

Pursuant to authority granted by and subject to the limitations of IC 36-8-3-20, there is hereby created a branch of the metropolitan law enforcement agency to be known as the metropolitan law enforcement agency reserves, which branch shall be under the direction and command of the chief or his or her designee. The number of members of the reserves shall be no greater than forty (40) percent of the authorized strength of sworn personnel of the agency.

**Sec. 279-252. Chief and chief's reserve staff to supervise appointments, promotions, discipline, and operation administrative policy.**

The supervision of all appointments to the reserves, matters of promotions, discipline and operation administrative policy shall be by the chief or his or her designee following such procedures as the chief shall establish by adopting rules and regulations governing the same.

**Sec. 279-253. Qualifications for appointment; eligibility requirements; application and examination.**

- a. No person shall be appointed to the reserves until he or she has completed the training and probationary period specified by the chief, except those persons transferring to the reserves from a recognized police agency or association.
- b. Any citizen of the United States, who is a resident of Marion County, Indiana, and who is not younger twenty-one (21) nor older than sixty-five (65) years of age shall be eligible to make application to become a member of the reserves.
- c. Applicants shall make application in the form and manner and undergo such physical and academic examinations and interviews as the chief shall require.

**Sec. 279-254. Chief to design and establish uniform; unlawful representation as member.**

- a. All manner of uniform, badge, insignia, equipment and other identifying characteristics of the reserves shall be designed and established by the chief, subject to the approval of the sheriff.
- b. It shall be unlawful and punishable in accordance with Section 103-3 of this Code for a person to wear such uniform, badge or insignia of the reserves, or hold himself or herself out to be a member of the reserves, unless that person has been duly appointed and sworn as provided by this division.

**Sec. 279-255. Appointment; members not to belong to regular police force; conferral of police powers.**

Appointment to the reserves shall be made by the chief. Members of the reserves may not be members of any regular police force. Members of the reserves shall have the same police powers as regular members of the metropolitan law enforcement agency pursuant to IC 36-8-10-9, subject to such limitations as the chief may establish by adopting rules and regulations governing the same, subject to the approval of the sheriff.

**Sec. 279-256. Mandatory retirement age; termination procedure.**

- a. Members of the reserves may serve from their appointment until reaching the mandatory retirement age of seventy (70) years, or until terminated pursuant to subsection (b) of this section.



b. Any member of the reserves may be terminated by the chief for any reason after consultation with the sheriff.

**Sec. 279-257. Injury or sickness contracted in performance of duty.**

(a) The county shall pay for the care of a member of the reserves who suffers an injury while performing his or her duty or contracts sickness caused by the performance of this duty, provided it is obtained at a facility designated and approved by the county. This care includes:

- (1) Medical and surgical care;
- (2) Medicine and laboratory, curative, palliative agents and means;
- (3) X-rays, diagnostic and therapeutic service including the recovery period; and
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(b) Expenditures required by subsection (a) shall be paid from the county general fund.

**Sec. 279-258. Transfer of reserves from Indianapolis police department and sheriff's department.**

(a) After December 31, 2006, reserves of the Indianapolis police department and reserves of the sheriff's department become reserves of the metropolitan law enforcement agency under this chapter.

(b) For purposes of this chapter, whenever a certain length of service with the agency is required for a particular appointment, a reserve of the agency with service as a reserve of the Indianapolis police department or the sheriff's department before January 1, 2007, shall have that service included in determining the reserve's total length of service with the agency.

**ARTICLE IV. PENSIONS AND OTHER BENEFITS**

**Sec. 279-401. Determination of pension fund membership.**

(1) A member of the county police force who was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments and after the consolidation becomes a law enforcement officer of the consolidated law enforcement department remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(2) Management of the sheriff's pension trust shall continue as currently constituted.

(3) A member of the police department of the consolidated city who was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments and after the consolidation becomes a law enforcement officer of the consolidated law enforcement department remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(4) Whether members of the agency are subject to Social Security withholding shall be determined by the Social Security Administration in accordance with federal and state law. No member of the sheriff's department who becomes a member of the agency and remains in the sheriff's department pension plan will be removed from Social Security against his/her wishes.

(5) A member who is appointed or re-appointed to the metropolitan law enforcement agency after December 31, 2006, who was not employed by the sheriff's department or the Indianapolis Police Department on December 31, 2006, is a member of the 1977 fund.

(6) Members of the sheriff's department and of the police department shall not suffer any loss in pay, pension, or fringe benefits by reason of such consolidation. Sick leave, longevity and vacation time accrued by such members prior to consolidation shall be credited to members, subject to existing contracts. Nothing in this provision limits the ability of members, their collective bargaining agent and/or the metropolitan law enforcement agency from negotiating pay, pension, fringe benefits or other job benefits.

(7) No members of the sheriff's department or police department shall be terminated due to this consolidation. Members shall retain the merit ranks they attained prior to consolidation, subject to changes due to disciplinary or other similar action.

**Sec. 279-402. Leaves and Holidays.**

(a) Members of the metropolitan law enforcement agency who were transferred to the agency from the Indianapolis police department or the county police force of the sheriff's department shall retain their leave accruals and holiday schedules as set forth in existing collective bargaining agreements between the Fraternal Order of Police Lodge No. 86 and the respective departments until such time as those agreements may be renegotiated with the metropolitan law enforcement agency.

(b) Members of the metropolitan law enforcement agency who are appointed by the agency after December 31, 2006, who are not covered by subparagraph (a) shall accrue leaves and observe the holiday schedule as set forth in the collective bargaining agreement between the Fraternal Order of Police Lodge No. 86 and the Marion County Sheriff's Department for the period from January 1, 2003 through December 31, 2006 until such time as that agreement is renegotiated with the metropolitan law enforcement agency.

(c) Upon the negotiation of any collective bargaining agreement(s) between the metropolitan law enforcement agency and the bargaining agent of the members of that agency, the leaves and holiday schedules set forth in such agreement(s) shall apply as set forth in such agreement(s).

**Sec. 279-403. Maximum monthly pension.**

For merit deputies of the sheriff's department who are member of the sheriff's pension plan and who retire during the period from January 1, 2006, through December 31, 2006, for purposes of determining such deputies' maximum monthly pension, and pursuant to authority granted by IC 36-8-10-12.1(a), IC 36-8-10-12.1 shall apply instead of IC 36-8-10-12(j).

**Sec. 279-404. Cost of living pension adjustment.**

(a) This section is authorized by IC 36-8-10-23.

(b) A cost of living adjustment ("COLA") payment shall be determined annually commencing in 1998. The amount of the COLA payment shall be determined annually by the pension engineers, as they are defined by IC 36-8-10-2. The pension engineers shall determine if there has been an increase in the Consumer Price Index (United States City Average) prepared by the United States Department of Labor, by comparing the arithmetic mean of the Consumer Price Index for January, February, and March of the payment year with the same three-month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three-month period for the year preceding the payment year ("the adjustment percentage"). The adjustment percentage shall be rounded to the nearest one-tenth of one (1) percent, and it may not exceed two (2) percent in any year beginning January 1, 1998.

(c) The COLA payment authorized under this section shall be funded by maintaining a fully funded actuarially sound trust fund and shall be paid monthly to each authorized retired or disabled county police officer.

(d) This section and the COLA payment shall apply only to retired or disabled county police officers who either are or become at least fifty-five (55) years of age after the effective date of this section.

SECTION 2. Sections 102-14, 102-15, and 102-16 of the "Revised Code of the Consolidated City and County" shall be renumbered as Sections 102-15, 102-16, and 102-17, respectively; and Chapter 102 of the "Revised Code of the Consolidated City and County," regarding definitions, hereby is amended by the addition of a NEW Section 102-14, to read as follows:

**Sec. 102-14. Police.**

*Police, or city police, or county police,* means the metropolitan law enforcement agency established in Chapter 279 of the code, or a law enforcement officer who is a member of that agency.

SECTION 3. Section 135-801 of the "Revised Code of the Consolidated City and County," regarding the police department special services branch petty cash fund, hereby is REPEALED.

SECTION 4. Section 151-45 of the "Revised Code of the Consolidated City and County," regarding the preservation of order and decorum in the city-county council, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 151-45. Preservation of order and decorum.**

The president of the council shall preserve order and decorum and, in the case of a disturbance or disorderly conduct in the chamber or in the adjacent lobbies, may cause the areas to be cleared. The president may appoint a sergeant-at-arms to assist in maintaining order and decorum at council meetings. The president may require the county sheriff, a deputy sheriff or an officer of the ~~city police force~~ metropolitan law enforcement agency to be present to assist in preserving order.

SECTION 5. Section 251-101 of the "Revised Code of the Consolidated City and County," regarding duties of the department of public safety, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 251-101. Department of public safety created; duties.**

(a) *Created.* There is hereby created a department of public safety for the consolidated city as a successor to the department of public safety created by IC 18-4-12 (repealed) provided by IC 36-3-5-4.

(b) *Duties.* It shall be the responsibility of the department of public safety to provide fire and police protection in the fire and police special service ~~districts~~ district, to operate an animal control division, provide civil defense and emergency management planning, operate a division of weights and measures and exercise other powers granted by law, the city-county council or the mayor. The department of public safety shall have all powers and duties prescribed for it as of August 31, 1983, subject to IC 36-3-4-23 and further subject to Chapter 279 of the code.

SECTION 6. Article I, Division 3, of Chapter 251 of the "Revised Code of the Consolidated City and County," regarding the citizens police complaint office, hereby is REPEALED. For successor provisions, see SECTION 14 of this ordinance.

SECTION 7. Section 251-212 of the "Revised Code of the Consolidated City and County," regarding powers and duties of the director of the department of public safety, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 251-212. Powers and duties of director.**

The director of public safety shall have the following duties and powers with respect to the department of public safety:

- (1) To exercise control of all matters and property relating to and connected with the police, fire, emergency management planning, weights and measures, and animal control divisions;
- (2) To coordinate the activities of the department with the sheriff and coroner of the county and any other agencies which can help with the safeguarding of citizens and property throughout the county;
- (3) To purchase all necessary supplies and equipment and make all repairs necessary in the department subject to and in accordance with applicable law;
- (4) To make general and special rules and regulations for the government and discipline of the department;
- (5) To fix the number of members and employees of the various divisions;
- (6) To determine and implement policies, procedures, methods and means by which operations are to be conducted;
- (7) To make recommendations to the director of administration relative to civilian employee compensation and benefits;
- (8) To temporarily appoint additional emergency management and civil defense protection forces on application of any person or corporation in any emergency, riot or insurrection as declared by the mayor, which persons ~~the director may remove persons so appointed~~ at any time without hearing or notice or assigning any cause;
- (9) To administer the oath or to take depositions of any persons summoned in any proceedings;
- (10) To adopt rules regulating the giving of a bond of an appointee of any division;
- (11) To appoint deputy or assistant directors as necessary;
- (12) To set work schedules and require members and employees of the department to work overtime;
- (13) To initiate, prepare, submit and administer the department's budget in accordance with applicable law;
- (14) To purchase, rent or improve any real estate or personal property, subject to appropriations therefore by the city-county council and subject to the powers of the mayor and the board of public safety;
- (15) To enter into contracts with town or township firefighting companies or associations for mutual civil aid and assistance programs; for life-saving, firefighting, emergency services, ambulance services; for mutual communications services coordinating training programs; and central dispatching programs in accordance with applicable law;
- (16) To appoint, receive, suspend, discipline and transfer members of the department pursuant to applicable rules, regulations and statutes;
- (17) To supervise and coordinate the activities of divisions within the department;
- (18) To oversee the daily operation of the department;
- (19) To appoint an administrator to be the head of each division of the department, except the emergency management planning division, subject to the approval of the mayor as provided in IC 36-3-5-5;
- (20) To delegate to the personnel employed in the department authority to act in his behalf as provided in IC 36-3-5-5(c);

(21) To procure for the consolidated city a set of the weights and measures provided in IC 24-6-2-1; and

(22) Any other powers which may be granted by law or by the mayor or the city-county council.

SECTION 8. Section 251-214 of the "Revised Code of the Consolidated City and County," regarding general powers of the director of the department of public safety with respect to the city police department, hereby is REPEALED.

SECTION 9. Section 251-221 of the "Revised Code of the Consolidated City and County," regarding the divisions of the department of public safety, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 251-221. Divisions.**

The department of public safety shall be composed of the following divisions:

(1) *Fire division.* The duties and powers of the fire division are described in Chapter 252 of this Code.

~~(2) *Police division.* The duties and powers of the police division are described in Chapter 253 of this Code.~~

(3) *Weights and measures division.* The duties and powers of the weights and measures division are described in Article V of this chapter.

(4) *Animal care and control division.* The animal care and control division shall be established and have all powers and duties described in Article III of this chapter, Chapter 531, and any other powers granted by law or by the city-county council or the mayor.

(5) *Emergency management planning division.* The duties and powers of the emergency management planning division are described in Article IV of this chapter.

SECTION 10. Chapter 251 of the "Revised Code of the Consolidated City and County," regarding the department of public safety, hereby is amended by the addition of a NEW Article VI regarding special police, to read as follows:

**ARTICLE VI. SPECIAL POLICE**

**Sec. 251-601. Appointment of special police.**

The director of the department of public safety may appoint and swear firefighters and other qualified persons as special police officers to perform special duty within the consolidated city on behalf of the departments of administration and equal opportunity, metropolitan development, public safety, public works, transportation, and parks and recreation.

**Sec. 251-602. Special police license required.**

(a) This section shall not apply to special police powers granted to a person for purposes of his or her employment with the city or county.

(b) It shall be unlawful for any person qualifying for special police powers and having met any terms or conditions set by the director of the department of public safety to act under the special police powers without first having obtained a license therefore from the city controller office of finance and management.

(c) The annual fee for a license required by this section shall be ten dollars (\$10.00).

(d) Each person desiring to obtain a license for special police powers pursuant to subsection (b) shall first execute a surety bond in the amount of twenty thousand dollars (\$20,000) in favor of the city, which bond shall be subject to approval by the controller.

**Sec. 251-603. Scope of powers, privileges and duties.**

(a) Special police officers, during the term of their appointment, have those powers, privileges and duties as granted in writing by the director of the department of public safety. Such powers, privileges and duties may be subject to any terms, conditions, and limitations as the director deems appropriate or necessary; however, such powers, privileges and duties shall not exceed those powers granted to a member of the metropolitan law enforcement agency.

(b) Special police powers are in effect only while fulfilling the specific responsibilities for which the appointment is made.

**Sec. 251-604. Law enforcement authority.**

The special police officers are subject to the authority of the sheriff and chief of the metropolitan law enforcement agency. They shall obey all rules, regulations and orders of such agency as they apply to the specific powers granted by the director of the department of public safety.

**Sec. 251-605. Uniforms.**

Any uniform worn by a special police officer must be easily distinguishable from the design and colors of the official uniforms of the Indiana state police and the metropolitan law enforcement agency.

**Sec. 251-606. Special officers for school corporations.**

The powers and duties of special police officers appointed to serve as security police for school corporations include the protection of all school corporation property and the protection of school personnel while on school business, including school children, employees and members of the governing body of the school corporation.

SECTION 11. Chapter 253 of the "Revised Code of the Consolidated City and County," regarding the Indianapolis Police Department, its police merit system, personnel rules, special police, and police reserves, hereby is REPEALED. For successor provisions regarding special police, see SECTION 10 of this ordinance.

SECTION 12. Chapter 281, Article VI, Division 1, of the "Revised Code of the Consolidated City and County," regarding the sheriff, hereby is amended by the addition of a NEW Section 281-612, to read as follows:

**Sec. 281-612. Responsibilities.**

(a) The sheriff's department shall be responsible for providing all of the following functions for the consolidated city and the county under the direction and control of the sheriff:

- (1) County jail operations and facilities;
- (2) Emergency communications;
- (3) Security for buildings and property owned by the consolidated city, the county, or both the consolidated city and county;
- (4) Service of civil process and collection of taxes under tax warrants;
- (5) Pursuant to IC 33-24-5-2, execution of the orders of the court, and all criminal process issued out of the court; and
- (6) Sex offender registration.

(b) The sheriff shall have those powers and duties with respect to the metropolitan law enforcement agency as provided for the sheriff in Chapter 279 of the code.

SECTION 13. Chapter 281, Article VI, Division 3, of the "Revised Code of the Consolidated City and County," regarding the sheriff's department merit deputy benefits, hereby is REPEALED, except to the extent otherwise provided in Sec. 279-401 of this ordinance. For successor provisions regarding injury or sickness contracted in the performance of duties by sheriff's reserves, see Section 1, Article IV of this ordinance.

SECTION 14. Chapter 281, Article VI, of the "Revised Code of the Consolidated City and County," regarding the office of sheriff, hereby is amended by the addition of a NEW Division 3, to read as follows:

### DIVISION 3. CITIZENS' POLICE COMPLAINT PROCESS

#### **Sec. 281-631. Citizens' police complaint office established.**

(a) The citizens' police complaint office is established as part of the sheriff's department. Any complaint of a citizen against an officer of the metropolitan law enforcement agency alleging that the officer used profane and abusive language or intentionally destroyed or damaged real or personal property, exceeded his/her authority as a police officer, used unauthorized force, or acted in violation of the agency's rules and regulations or orders may be filed with the citizens' police complaint office. In addition, if a complainant alleges that intimidation tactics are being used to impede the filing of a complaint, the complainant shall report this to the complaint office and a separate complaint will be filed regarding the new information. Each complaint shall be filed within sixty (60) days of the action giving rise to the complaint, shall be in writing, and shall be signed by the person making the complaint, who shall affirm under the penalties of perjury that the representations contained therein are true. The complaint may be filed in person or by facsimile or through the mail. Additionally, complaints may be filed after the expiration of the sixty-day time period where the person making the complaint was under a legal disability during the sixty-day time period or where, upon a showing of good and sufficient cause and upon majority vote of the citizens' police complaint board, a person is permitted to belatedly file a complaint.

(b) Any individual personally aggrieved by the act or acts complained of may file a complaint. A parent or guardian may file a complaint on behalf of a minor or incompetent individual. A member of the immediate family of a decedent may file a complaint on behalf of the decedent. The complaint board may, upon two-thirds (2/3) vote of its members, initiate an action.

(c) The complaint process shall be accessible to all citizens regardless of race, national origin, religion, creed, sex, sexual orientation, age, language or disability.

#### **Sec. 281-632. Complaint board established; appointment of members; terms.**

(a) The law enforcement consolidation transition authority established by Section 279-201 shall make recommendations to the city-county council regarding the composition of the citizens' police complaint board.

(b) The complaint board members shall be representative of the citizens served by the metropolitan law enforcement agency.

(c) The Council shall act upon the authority's recommendations and make appropriate amendments to the ordinances to specify the membership, terms and manner of appointment to the citizens' police complaint board.

(d) Until such time as the actions set forth in subsections (a) through (c) of this section are taken, the citizens' police complaint board existing within the Indianapolis police department shall remain in effect and shall consider complaints against officers of the metropolitan law enforcement agency. Such board shall disband upon the appointment of members to the citizens' police complaint board established in this section.

**Sec. 281-633. Citizens police complaint board established; election process; terms; quorum.**

(a) *Members.* There shall be established a citizens police complaint board composed of nine (9) voting members, two (2) ex-officio, nonvoting police advisory members, and one (1) ex-officio, nonvoting rank-and-file consulting member to be selected as follows:

- (1) All voting members shall be citizens who are residents of the police special service district. No sworn law enforcement officer is eligible to serve as a voting member of the board. Voting members may be selected from nominees submitted by the five (5) Indianapolis Police Department district task forces which are convened by the deputy chief of each district. Exception can be that in the event a vacancy is not or cannot be filled in a timely manner per the provisions of this article, the original appointing body may make the appointment using its normal process for making appointments. No district task force may nominate more than three (3) candidates for appointment to the board. There must be at least one (1) voting member from each Indianapolis Police Department district task force on the citizens police complaint board, with no more than three (3) from any one district.
- (2) Five (5) of the members shall be appointed by the city-county council. At least two (2) of these five (5) members must be of a different political party. Two (2) of these members shall serve for a one-year term ending December 31, 1998, two (2) of these members shall serve for a two-year term ending December 31, 1999, and one (1) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (3) Four (4) of the members shall be appointed by the mayor. One (1) of these members shall serve for a one-year term ending December 31, 1998, one (1) of these members shall serve for a two-year term ending December 31, 1999, and two (2) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (4) Upon the expiration of any voting member's term, an appointment will be made to his position by the original appointing body, for a term of three (3) years. Each member may be reappointed to a three-year term, but may serve no more than two (2) consecutive terms. If a member is unable to complete his/her term for any reason, the original appointing body shall appoint a new member to complete the term. Such new member shall then be eligible to be reappointed for no more than one (1) additional full consecutive term, if he/she has served eighteen (18) months or more of the original term, and no more than two (2) additional full consecutive terms, if he/she has served less than eighteen (18) months of the original term.
- (5) The two (2) ex-officio, nonvoting police members of the board shall be appointed as follows: one (1) by the mayor and one (1) by the city-county council and shall serve two-year terms ending December 31, 1999. The officers appointed shall:
  - a. Have been members of the Indianapolis Police Department for more than (7) years;
  - b. Shall have participated in ethics training;
  - c. Have strong community relations experience;
  - d. Be of the rank of sergeant or below in rank, preferably a patrolman; and
  - e. Shall not serve more than two (2) consecutive terms on the board.
- (6) The one (1) ex-officio, nonvoting rank-and-file consulting member shall be appointed by the President of the Fraternal Order of Police and shall serve one year terms ending December 31, 2003.

(b) *President.* The voting members shall select one (1) member to serve as president of the citizens complaint board from the voting members of the board.

(c) *Removal.* All members shall serve at the pleasure of the appointing officials.



(d) *Establishment of quorum; votes required for action.* Five (5) voting members of the board shall constitute a quorum for the purpose of conducting business. Five (5) voting members of the board must vote in favor of any item before any action or disposition can be taken by the board.

(e) *Attendance requirements.* All voting and ex-officio board members must attend a minimum of seventy-five (75) percent of the meetings of the board. The appointing authority shall replace any member who fails to meet this attendance requirement within sixty (60) days of written notice of failure to meet this attendance standard.

(f) *Training.* All voting board members must participate in twenty (20) hours of training in police procedures, to be completed within six (6) months of their appointment, and shall receive an additional twenty (20) hours of such training per year. In addition, each voting member shall be required to accompany an on-duty officer a minimum of sixteen (16) hours per year, for a minimum of four (4) hours per occasion, in order to observe police procedures first-hand. The appointing authority shall replace any member who fails to meet these training requirements after written notice of failure to meet these standards.

**Sec. 281-634. Complaint board officers, quorum, attendance, and training.**

(a) The voting members shall select one (1) voting member to serve as president of the complaint board.

(b) Five (5) voting members of the complaint board shall constitute a quorum for the purpose of conducting business, and five (5) voting members must vote in favor of any item before any action or disposition can be taken.

(c) All voting and ex-officio complaint board members must attend a minimum of seventy-five (75) percent of the meetings. The appointing authority shall replace any member who fails to meet this attendance requirement within sixty (60) days of written notice of failure to meet this attendance standard.

(d) All voting members of the complaint board must participate in twenty (20) hours of training in police procedures, to be completed within six (6) months of their appointment, and shall receive an additional twenty (20) hours of such training per year. In addition, each voting member shall be required to accompany an on-duty officer of the metropolitan law enforcement agency for a minimum of sixteen (16) hours per year, and for a minimum of four (4) hours per occasion, in order to observe police procedures first-hand. The appointing authority shall replace any member who fails to meet these training requirements after written notice to such member of failure to meet these standards.

**Sec. 281-635. Complaint board duties.**

The citizens' police complaint board shall meet as often as necessary to consider all complaints which it deems appropriate to process and review, but no less than quarterly. The complaint board shall set rules for its governance and shall establish its procedures for processing complaints and for ensuring notification to citizens of the status and disposition of their complaints.

**Sec. 281-636. Complaint office executive director; staff.**

(a) The sheriff, shall appoint a full-time executive director of the citizens' police complaint office, subject to approval by the city-county council. The executive director shall be supervised by and subject to review and evaluation by the sheriff, with the advice and consent of the members of the citizens' police complaint board. The duties of the executive director shall include:

- (1) Managing the citizens' police complaint office, including its staff; and
- (2) Enhancing communications and good will between the police and the citizenry.

(b) The executive director shall have the authority to contract with investigators and legal counsel, if the city corporation counsel is not available, to aid in the investigation of complaints filed with or processed by the office.

(c) The executive director shall be in regular communication with the chief of the metropolitan law enforcement agency and may make recommendations to the chief concerning matters of conduct and recurring issues that are processed by the citizens' police complaint office. The executive director shall also provide periodic reports for publication in the metropolitan law enforcement agency's annual report.

(d) Staffing and budget recommendations for the citizens' police complaint office shall be made by the sheriff in consultation with the executive director and the citizens' police complaint board.

(e) On a quarterly basis, the executive director shall forward a report of each complaint board member's attendance and each voting member's training, as required by Section 281-633, to the member's appointing body, the sheriff, and the chief of the metropolitan law enforcement agency.

**Sec. 281-637. Complaint investigation and hearing procedures.**

(a) Upon the filing of a complaint, the executive director shall immediately send a copy of the complaint to the chief of the metropolitan law enforcement agency or the chief's designee. In addition, the officer or officers alleged to be involved in the incident shall be notified of the date of the incident, and given a copy of the complaint. After the filing of a complaint, the complaint board shall table its own investigation for a period of sixty (60) working days to allow the metropolitan law enforcement agency to conduct its own investigation and to allow the chief to take appropriate action. The chief may request an extension of time to complete the investigation from the sheriff; however, if deemed appropriate or necessary, the complaint board may order the executive director to conduct an independent simultaneous investigation before the end of the investigation conducted by the metropolitan law enforcement agency. Such action must be authorized by a three-fourths (3/4) vote of the entire complaint board.

(b) When the investigation is returned to the citizens' police complaint office, the complaint board shall review the investigation conducted by the metropolitan law enforcement agency and the action taken by the chief, if any. The complaint board may dispose of the complaint by endorsing the findings and action taken by the agency and shall notify the chief of this in writing. If the complaint board does not agree with the action taken by the chief or with the results of the investigation conducted by the agency, the complaint board may, by majority vote:

- (1) Order the executive director to conduct an investigation into the allegations of the complaint; and/or
- (2) Conduct an informal administrative hearing on the complaint; and/or
- (3) Order the executive director to engage in a process of informal mediation to attempt to resolve the complaint.

(c) If the complaint board determines to hold a hearing, the complaint office shall give written notice to all parties and witnesses at least fifteen (15) days in advance of the scheduled hearing. All testimony at such hearing shall be given under oath and under penalty of perjury.

(d) Upon the completion of the investigation by the complaint office or after the hearing, the complaint board shall make a disposition regarding the complaint. The disposition shall be one (1) or more of the following:

- (1) *Not sustained* (when there is insufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence);
- (2) *Sustained* (when there is sufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence);
- (3) *Exonerated* (when the allegation made in the complaint is false or not factual, or the conduct complained of was lawful and proper); and/or
- (4) *Withdrawn* (when the complainant requests that no further action be taken on the case).

The disposition must be made within sixty (60) working days after the agency's investigation is returned to the complaint office or after the conclusion of the investigation conducted by the executive director pursuant to subsection (a) of this section.

(e) The findings and disposition of the complaint board shall be communicated to the chief in writing within ten (10) days of the date of the disposition.

(f) If the chief does not confirm the findings and disposition of the complaint board within thirty (30) days of disposition, or if there is a conflict between the findings and disposition of the complaint board and the findings of the chief, then the complaint board may, upon a majority vote of its members, require mediation between the chief and the executive director.

(g) Any disciplinary action taken against an officer due to his or her involvement in an incident which resulted in a complaint being filed with the complaint office shall be communicated to the complaint board for disclosure to the public.

**Sec. 281-638. Subpoena powers.**

For purposes of conducting an investigation or hearing, the complaint board shall have the power to subpoena witnesses and documents, except those documents relating to ongoing criminal investigations, including such public records as are deemed subject to disclosure under the provisions of IC 5-14-3. The power of the complaint board to issue subpoenas shall be enforceable by the Marion County circuit or superior court.

**Sec. 281-639. Access to board by officers; participation of officers.**

(a) Any officer subpoenaed to appear before the complaint board may be represented by an attorney.

(b) Police officers shall have access to the complaint process to defend their actions, both during the investigatory and hearing processes.

(c) Police officers shall be required to cooperate with the complaint board as an investigation is conducted, subject to their constitutional rights.

SECTION 15. Chapter 281, Article VI, Division 4, of the "Revised Code of the Consolidated City and County," regarding sheriff's reserves, hereby is REPEALED.

SECTION 16. Section 283-211 of the "Revised Code of the Consolidated City and County," regarding definitions applicable to the Marion County Criminal Justice Planning Council, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 283-211. Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them in this section.

(a) *CJPC* means the Marion County Criminal Justice Planning Council.

(b) *Director* means the Director of the Marion County Justice Agency or its successor.

(c) *MCJA* means the Marion County Justice Agency.

(d) *Executive Committee* means the voting members of the CJPC.

(e) *Participant Agencies* include the Marion County Sheriff's Department, ~~Indianapolis Police Department~~ the metropolitan law enforcement agency, Marion County Prosecutor, Public Defender, Community Corrections, Indianapolis Marion County Forensic Services Agency (Crime Lab) and Marion

County Clerk.

(f) ~~Courts~~ Courts includes the Circuit and Superior Courts of Marion County.

SECTION 17. Section 283-222 of the "Revised Code of the Consolidated City and County," regarding the Marion County Criminal Justice Planning Council membership, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 283-222. CJPC membership.**

The CJPC shall be composed of the following members:

(a) Eleven (11) members of the Executive Committee:

- (1) The Marion County Sheriff;
- (2) Controller of the City of Indianapolis;
- (3) The Marion County Prosecutor;
- (4) The Presiding Judge of the Marion Superior Court;
- (5) The Marion County Clerk;
- (6) The Mayor of the City of Indianapolis;
- (7) The Chairman of the City-County Council Public Safety Committee;
- (8) A member of Indianapolis--Marion County City-County Council appointed by its Minority Leader; ~~and,~~
- (9) The President of the City-County Council; ~~;~~
- (10)The Chief Public Defender; and
- (11)The Public Safety Director; ~~;~~

and,

(b) Eighteen (18) advisory members:

- (1) The Chief of the ~~Indianapolis Police Department~~ metropolitan law enforcement agency;
- (2) The Director of Marion County Community Corrections;
- (3) The Chief of Marion County Probation;
- (4) The Director of the Indianapolis/Marion County Forensic Services Agency (i.e., "Crime Lab");
- (5) The Judge of the Marion Superior Court, Juvenile Division;
- (6) The Chief of Police of the Beech Grove Police Department;
- (7) The Chief of Police of the Lawrence Police Department;
- (8) The Chief of Police of the Speedway Police Department;
- (9) The Chief of Police of the Southport Police Department;
- (10)A representative of the Indiana State Police Department to be designated by its Superintendent;

- (11) The Chairman of the Information Technology Board;
- (12) A representative from the Indiana Department of Correction to be designated by its Director;
- (13) A representative from the Indianapolis – Marion County Building Authority;
- (14) The Director of the Metropolitan Emergency Communications Agency (MECA);
- (15) The Judge serving as chairman of the Criminal Divisions of the Marion Superior Courts;
- (16) A member of the Indianapolis or Marion County Bar Association appointed by the Mayor; and
- (17) An expert in criminal justice from the Indiana University School of Law appointed by the Marion County Prosecutor; and
- (18) The Marion County Auditor.

(c) Advisory members of the CJPC shall participate in the discussions of the CJPC. Advisory members do not have a vote on matters before the CJPC, nor have authority to make motions, calls for votes or otherwise affect the proceedings of the CJPC.

SECTION 18. Section 283-321 of the "Revised Code of the Consolidated City and County," regarding members of the Indianapolis-Marion County forensic services board, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 283-321. Board created; members; compensation.**

(a) There is hereby created the Indianapolis-Marion County forensic services board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) The coroner;
- (2) The sheriff;
- (3) The auditor, who shall serve without a vote;
- (4) The chief of the ~~Indianapolis police department~~ metropolitan law enforcement agency;
- (5) One (1) person, appointed by the mayor, who shall have significant professional experience in forensic medicine, pathology, toxicology, serology, chemistry or other comparable discipline, to serve at the pleasure of the mayor. ~~The mayor's appointee shall be appointed for an initial three-year term and thereafter for a two-year term.; and~~
- (6) One (1) person, appointed by the council, to serve at the pleasure of the council. ~~The council's appointee shall be appointed for a two-year term.~~
- (7) ~~The prosecutor and the director of public safety, for a term of office ending not later than December 31, 1987.~~

(b) Board members shall serve in person or by a person permanently designated and without compensation.

(c) Board members shall be eligible for reappointment.

SECTION 19. Section 291-112 of the "Revised Code of the Consolidated City and County," regarding employee residence requirements, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 291-112. Employee residence requirement.**

(a) After August 15, 1977, any person who accepts employment with the City of Indianapolis, or any special service or special taxing district thereof, or Marion County, must have his principal place of residence within the limits of Marion County or become a resident of the county within six (6) months of the date when he accepts such employment; and his position as an employee of such unit of government shall terminate six (6) months from the date that he moves his principal place of residence from the county.

(b) This section shall not apply to persons who have specialized skills or training if there is no suitable applicant for the position residing within the limits of Marion County, and the appropriate elected official or his designee approves.

(c) This section shall not apply to members of the ~~police and fire forces of the city, who are governed by the provisions of IC 49-1-2-4 36-8-4-2, or to members of the metropolitan law enforcement agency, who are governed by Section 279-227 and 279-241 of the code.~~

(d) This section shall not apply to those persons who were nonresident employees of the county, the city, or any special service or special taxing district thereof, prior to August 15, 1977.

(e) This section shall not apply to any person who was a nonresident employee of an entity other than the City of Indianapolis, or any special service or special taxing district thereof, or Marion County and who became an employee of one (1) of those entities as a result of a transfer of the duties of his/her employer to the City of Indianapolis, or any special service or special taxing district thereof, or Marion County. However, if at any time during his/her employment with one (1) of those entities, such employee does become a resident, that employee shall thereafter be covered by this section.

SECTION 20. Section 291-202 of the "Revised Code of the Consolidated City and County," regarding military leave, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 291-202. Leave allowances generally.**

(a) Leave allowances shall be as indicated in the categories set out in this article. All leave periods are for the total time in any calendar year. Any employee transferring between city and county offices and departments covered by this chapter, within thirty (30) days of terminated employment, shall be considered to be in continued employment for leave purposes and such transfer shall not affect the employee's status as to accrued leave or eligibility for leave.

(b) In accordance with the reduction-in-force plan, in the case of a layoff, those employees laid off will receive credit for their previously accumulated sick leave and short term disability leave and years of service at the time of their reinstatement, provided they are recalled within one (1) year from the date they were laid off.

(c) Effective January 1, 2000, a sworn firefighter or a sworn police officer with the City of Indianapolis, or a sworn officer of the metropolitan law enforcement agency, who, subsequent to July 1, 1996, retires after twenty (20) or more years of service or is eligible for the disability pension due to a line of duty injury or illness and is rehired by a department of the City of Indianapolis or Marion County in a civilian position within thirty (30) days of the date of retirement will be entitled to be paid for accumulated, unused annual leave time at his/her rate of pay at the time of retirement or eligibility for the disability pension and will be entitled to credit for years of service as a firefighter or police officer in determining benefit leave accrual pursuant to [section] 291-203.

SECTION 21. Section 291-210 of the "Revised Code of the Consolidated City and County," regarding military leave, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 291-210. Military leave.**

(a) *In General.* Military leave shall be granted in accordance with appropriate state and federal law. In accordance with state law, a maximum of fifteen (15) eight-hour working days of paid military leave shall be granted. If an employee exceeds fifteen (15) days of military leave, then he/she may elect to go on leave without pay or to exhaust appropriate paid leave.

(b) *Special benefits for certain extended active duty.* As a demonstration of the gratitude of the people of Indianapolis and Marion County for city and county public employees whose lives are disrupted and who might suffer financial and personal hardships by answering the call to bear arms for military duty to defend America's freedom and way of life during state or national emergencies, the following supplemental military leave fringe benefits shall be provided to eligible employees whose active duty extends beyond the fifteen (15) days leave provided under subsection (a):

- (1) For purposes of this subsection (b), "eligible employee" means any employee of the City of Indianapolis or of Marion County, including merit officers of the Marion County Sheriff's Department, the ~~Indianapolis Police Department~~ metropolitan law enforcement agency, and the Indianapolis Fire Department, that serve in the National Guard or any reserve component of the armed forces of the United States and who by order of the Governor of Indiana or the President of the United States are placed on full-time active duty for more than thirty (30) days.
- (2) If an eligible employee's active duty base on a weekly basis is less than the normal work-week salary or wages earned by the eligible employee at the time of activation, such eligible employee shall receive a weekly payment as a fringe benefit equal to that difference, paid on the same schedule as if the employee were not on military leave.
- (3) If an eligible employee was a participant in a health benefit program provided by the City or County that covered dependants of the eligible employee, the city or county shall pay the employee/employer contribution for such dependant coverage during such military leave.
- (4) The employer contribution to PERF for an eligible employee shall be continued during the period of military leave.
- (5) For each eligible employee who is a merit officer of the Marion County Sheriff's Department, the employer shall pay the employee's contribution to the pension plan during the period of military leave.
- (6) An eligible employee who serves more than thirty (30) days and less than one hundred eighty (180) days on continuous active duty shall be granted an additional week of paid vacation leave; and an eligible employee who serves one hundred eighty (180) or more days of continuous active duty shall be granted an additional two weeks of paid vacation leave, in accordance with the department's current policies and procedures.
- (7) The benefits provided under this subsection shall be administered as follows:
  - (i)a. Eligible employees who wish to apply for these benefits shall notify the office of finance and management and the human resources division, department of administration and equal opportunity of their activation as soon as possible after activation of their intent to claim such benefits providing documentation and verification of their orders to full-time active duty.
  - (ii)b. The benefits provided under this subsection shall be paid from the personal services appropriations of the respective agency who employed the eligible employee; and the Council will entertain transfers or additional appropriation requests from any agency whose budget is inadequate to cover such benefits.
- (8) This subsection shall be retroactive to January 1, 2003, for employees hired prior to that date.

SECTION 22. Section 291-216 of the "Revised Code of the Consolidated City and County," regarding public safety officer on-duty injury leave, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 291-216. Public safety officer on-duty injury leave.**

A public safety officer employed full-time by the ~~Indianapolis Police Department~~ metropolitan law enforcement agency who sustains an on-duty injury which causes the public safety officer to be absent from work for more than forty (40) consecutive hours, shall receive forty (40) hours of on-duty sick leave, to be used during the qualifying period for short term disability leave as provided in section 291-204 of the Code, and/or workers' compensation benefits as provided by state law; however, in no event shall the public safety officer be entitled to receive more than his or her regular rate of pay. In order to qualify for this leave, the public safety officer must provide appropriate medical documentation. The leave taken pursuant to this provision shall not be deducted from the public safety officer's accrued benefit leave or short term disability leave.

SECTION 23. Section 291-602 of the "Revised Code of the Consolidated City and County," regarding definitions applicable to employer-employee cooperative procedures, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 291-602. Definitions.**

As used in this article (section 291-601 through 291-614), the following terms shall have the following meanings:

*City* means the employing authorities of Consolidated City of Indianapolis and Marion County.

*Collective bargaining* means to perform the mutual obligation of the employer, by its representatives, and the exclusive bargaining representative of employees in an appropriate bargaining unit to meet and negotiate in good faith at reasonable times and places with respect to terms and conditions of employment, and any subject covered by a collectively bargained agreement covering city employees on September 1, 2001 with the intention of reaching an agreement.

*Confidential employee* means any employee who:

- (1) Works in the office of the mayor;
- (2) Works in the office of the city-county council;
- (3) Works in the office of the corporation counsel;
- (4) Works in the office of finance and management;
- (5) Is secretary to a department head, director, or elected official;
- (6) Works in the human resources division of the department of administration and equal opportunity; or
- (7) Is the personal secretary of any supervisor, managerial, or confidential employee.

*Employee* means any active employee of the City of Indianapolis or Marion County, but the term employee does not include anyone who is:

- (1) An employee of the court;
- (2) A confidential employee;
- (3) A managerial employee;



- (4) A supervisor;
- (5) An intermittent employee;
- (6) A student employee;
- (7) A temporary employee;
- (8) A member of a board or commission;
- (9) An individual in the custody of any law enforcement agency who is working in a program through such an agency;
- (10) An attorney whose responsibilities include providing legal advice to the city or performing legal research for the city as a client;
- (11) An individual who performs internal investigations;
- (12) A member of the Indianapolis Fire Department, the Indianapolis Police Department metropolitan law enforcement agency, or the Marion County Sheriffs Department who has less than one (1) year of employment with such department or agency;
- (13) An employee of the county treasurer, clerk, auditor, prosecutor, surveyor, assessor, recorder, or coroner unless the employee or group of employees is voluntarily recognized by the elected official holding said office; or
- (14) An employee of the township assessor of Center Township, Decatur Township, Franklin Township, Lawrence Township, Perry Township, Pike Township, Warren Township, Washington Township, or Wayne Township unless the employee or group of employees is voluntarily recognized by the township assessor.

*Employee organization* means an organization:

- (1) In which employees participate, and
- (2) That exists for the purpose of representing employees in collective bargaining.

*Exclusive bargaining representative* and *bargaining agent* mean an employee organization chosen by employees in an appropriate bargaining unit pursuant to this article or recognized by the city as a representative of an appropriate bargaining unit before the adoption of this article.

*Managerial employee* means any individual who:

- (1) Has responsibility for a unit or sub-unit of a division of an agency or department;
- (2) Participates in the formulation of policy;
- (3) Is significantly engaged in executive or management functions;
- (4) Is charged with the responsibility of directing the implementation of management policies, procedures or practices; or
- (5) Is involved in administration of collective bargaining agreements or human resources or personnel decisions, including, but not limited to, staffing, reductions, reorganizations, hiring, discipline, evaluations, pay, assignments, transfers, promotions or demotions.

*Supervisor* means any individual who has authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, assign, reward or discipline other employees, or to adjust grievances, or effectively to recommend any such action. With respect to the Indianapolis Fire Department, "supervisor" includes all

personnel at the rank of division chief or above. With respect to the ~~Indianapolis Police Department metropolitan law enforcement agency~~, "supervisor" includes all personnel with the rank of ~~major or above~~, with respect to the ~~Marion County Sheriffs Department~~, "supervisor" includes all personnel with the rank of captain or above.

*Temporary employee* means an individual who is employed for not more than ninety (90) days.

*Terms and conditions of employment* means wages, hours, allowances, fringe benefits, facilities, equipment and other physical aspects of employment, personnel policies, and the voluntary payment of dues through payroll deduction.

SECTION 24. Section 293-106 of the "Revised Code of the Consolidated City and County," regarding statements of economic interests, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 293-106. Statement of economic interests.**

(a) The board of ethics shall require:

(1) All officers; and

(2) Any employee who, as of December 31 of the previous year:

- a. Was a sworn member of the ~~Indianapolis police department at a rank of lieutenant or above~~, was a sworn merit deputy in the ~~Marion County sheriff's department~~ metropolitan law enforcement agency at a rank of lieutenant or above, or was a sworn member of the Indianapolis fire department at a rank of captain or above;
- b. Was a civilian employee and received annual compensation from the City of Indianapolis or Marion County during the previous calendar year at a base rate of pay greater than twenty-eight thousand dollars (\$28,000.00) per annum;
- c. Was employed as a purchasing agent for the city or the county or was employed by the purchasing division of the office of finance and management; or
- d. Received from an individual business entity, doing business with an agency in which the officer or employee holds an office or position of employment, gifts or honoraria (including those received by members of his or her immediate family) during the previous calendar year having an aggregate value (excluding the value of any events occurring in Marion County to which all members of the city-county council were invited) of more than one hundred dollars (\$100.00);

to file a statement of economic interests on or before the first day of May of each year.

(b) Any applicant for employment with an agency for a position which would qualify under (2)a., b., or c., above, shall be required to file a statement of economic interest prior to an offer of employment being extended by the agency.

(c) Such statement of economic interests shall be affirmed as to its truth and accuracy under penalties of perjury and include the following information:

(1) The name of the officer or employee;

(2) The business address of the officer or employee;

(3) The position in which the officer or employee serves an agency;

(4) The employer of the officer or employee;

- (5) A list stating the amount and source of all gifts or honoraria the officer or employee and members of his or her immediate family received during the past calendar year having an aggregate fair market value in excess of one hundred dollars (\$100.00) from any individual business entity doing business with an agency;
- (6) A statement of whether or not the officer or employee or any member of his or her immediate family had a direct or indirect pecuniary interest in any contract with the City of Indianapolis or Marion County during the past calendar year, other than a contract of employment and, if so, an explanation of the extent of the interest;
- (7) The name of any business entity from which the officer or employee received any compensation which, to the best of his or her knowledge, does or contemplates doing business with an agency during his or her term of office or employment with an agency; and
- (8) The name of any business entity in which the officer or employee or his or her immediate family owns stocks, bonds or other investments which represent ownership of five (5) percent or more of that business or have a value in excess of five thousand dollars (\$5,000.00) and which business entity, to the best of his or her knowledge, is doing or contemplates doing business with an agency.

SECTION 25. Section 361-103 of the "Revised Code of the Consolidated City and County," regarding enforcement of ordinances against litter, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 361-103. Enforcement.**

This chapter and the rules and regulations authorized in section 361-104 shall be enforced by the department of public works and/or the authorized designee of the director of the department of public works, the division of compliance of the department of metropolitan development, ~~the Indianapolis Police Department, and the Marion County Sheriff's Department~~ metropolitan law enforcement agency.

SECTION 26. Section 361-107 of the "Revised Code of the Consolidated City and County," regarding the city's recovery of expenses of litter removal, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 361-107. Recovery by city of expenses of litter removal.**

(a) The city is damaged by the depositing of litter within the city, and the cost of litter removal has become a significant expense of the city. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the cost of litter removal, the city may bring a civil action against any person believed to be responsible for depositing litter. The city may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for depositing litter. If the settlement offer is accepted, no action will be instituted by the city.

(b) The division of compliance of the department of metropolitan development, ~~the Indianapolis Police Department and the Marion County Sheriff's Department~~ metropolitan law enforcement agency and their authorized agents, shall be responsible for determining the identity of persons responsible for damaging the city by depositing litter within the city, and, except as provided in subsection (d) of this section, are hereby empowered, as agents of the city, to make to any person believed to be responsible for damaging the city by depositing litter within the city, an offer of settlement as provided in subsection (a) of this section.

(c) The board of public works shall determine a standard amount of the settlement offer authorized to be made by this section. In determining the standard amount of the settlement offer, the board of public works shall consider only such factors as may reasonably be considered when any individual offer of settlement is determined.

(d) The provisions of subsection (b) of this section shall not be construed to require that a settlement offer be made if the amount of damage caused by the litter being deposited in the city is significantly greater than the standard amount of the settlement offer determined by the board of public works pursuant to subsection (c) of this section.

SECTION 27. Sections 391-203 and 391-204 of the "Revised Code of the Consolidated City and County," regarding abatement of nuisances, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 391-203. Abatement by the division of compliance; fire department and ~~police departments~~ metropolitan law enforcement agency; health and hospital corporation.**

(a) The division of compliance of the department of metropolitan development, acting in cooperation with the chiefs of the fire department and ~~police departments~~ metropolitan law enforcement agency and the officers of the health and hospital corporation, is charged with the duty of inspecting any building constituting a nuisance under this chapter and the division, or any of such officials, shall aid in abating any such nuisance and in enforcing the law in all matters within their respective jurisdiction and duties.

(b) Whenever the division of compliance has information from any source, including any of the officials named in subsection (a), that any building is alleged to be a nuisance within the provisions of this chapter, it shall cause an examination thereof to be made. If, in its opinion after such examination, the building constitutes a nuisance within the provisions of this chapter, it shall serve written notice upon the owner of the building or the person in possession, charge or control thereof, directing him to abate the nuisance, if it is abatable, and specifying the defects or things to be corrected to place the building in a safe condition, and to eliminate any condition producing such nuisance. If conditions are such that the defects or things cannot be corrected, eliminated or abated, the owner shall be ordered and required to demolish the building as provided by any applicable statute or by this Code. The notice shall provide and name a reasonable time within which the nuisance shall be abated or the building demolished.

(c) Upon the failure of the person notified to obey the notice given pursuant to subsection (b), the division of compliance, after the expiration of the time specified in the notice, shall cause a summons to be issued to the person requiring him to appear and show cause before the mayor, at a time and place named in the notice, why the nuisance should not be ordered to be summarily abated or, in event the alleged nuisance cannot be abated, why the building should not be demolished. If, upon a hearing of the case, to be conducted under the procedure for the revocation of licenses, the mayor determines that the building cannot be repaired or put in a safe condition, he shall render a decision and order that the building be demolished by the defendant within a time specified and, upon failure of the defendant to demolish it, the demolition shall be done by the city, or by a contractor in its behalf, at the expense of the defendant as provided by the statute thereon. In the event the mayor, upon such hearing, shall find that the building constitutes a nuisance, but that the nuisance can be abated by doing certain things to the building, such as repairs, changes, alterations or renovation, the mayor shall provide in his order how and in what manner the nuisance may be abated, and shall designate the time within which such acts must be begun and completed. In such case, the order shall further provide that if the defendant fails to begin compliance with such order within the time specified, notices shall be placed at all the entrances of the building, stating in substance that the premises therein have been condemned and declared to be a nuisance and unsafe and shall not be further used by any person. All the entrances to the premises upon the sidewalk, street or alley shall be blocked off by barriers or guardrails and may be securely locked. In the event of an appeal to a court being taken from the mayor's order, pending such appeal or other legal action, the division of permits shall cause to be erected on the street or sidewalk adjacent to the entrances of the building signs stating that the building has been declared to be dangerous and unsafe and a public nuisance. Such signs shall not be removed or defaced by any person and shall remain until such appeal or other legal action is finally decided.

**Sec. 391-204. Abatement of unsafe motor vehicles as nuisance by ~~police department~~ metropolitan law enforcement agency.**

(a) Any nuisance under this chapter created by the use of unsafe motor vehicles on the streets shall be abated by the ~~police department~~ metropolitan law enforcement agency and the members thereof.

(b) Where it is shown that any owner of a motor vehicle drives or permits another to drive the motor vehicle upon the streets, the driving of which, by reason of its age, condition or any defect therein, is dangerous or likely to cause injury to persons or damage to property, the chief of ~~police~~ the metropolitan law enforcement agency shall cause notice to be given to the owner or other person to remove the vehicle from the streets or to repair it, if the vehicle can be made safe by repair. In the event such person refuses to obey

the notice, a summons shall be issued requiring him to appear before the mayor to show cause why the vehicle should not be declared a nuisance and abated. If, on the hearing, the mayor finds from the evidence that the vehicle is a nuisance within the meaning of this chapter, he shall enter an order so declaring and stating the terms of the abatement and the conditions upon which the vehicle may be driven upon the streets, if it can be and is repaired. Failure to remove from the streets or to repair such vehicle after the mayor so orders shall constitute a violation of this chapter.

SECTION 28. Section 403-6 of the "Revised Code of the Consolidated City and County," regarding notice to police of unknown corpses by undertakers, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 403-6. Notice to police of unknown corpses by undertakers.**

All morticians, undertakers and others engaged in the burial or cremation of the dead, in all cases where unknown and unidentified deceased persons are handled by them, shall promptly notify the ~~police department~~ metropolitan law enforcement agency of such fact and request the ~~police department~~ agency to take a complete set of fingerprints and photographs of the deceased person and investigate the same. Upon such request, it shall be the duty of the ~~police department~~ such agency promptly to comply therewith by taking and investigating such fingerprints and photographs, and to report accordingly to the chief of ~~police~~ the agency and to the mortician or funeral director.

SECTION 29. Section 431-102 of the "Revised Code of the Consolidated City and County," regarding temporary or emergency authority to close public ways, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 431-102. Temporary or emergency authority to close public ways.**

(a) The director of the department of public works shall at all times have the right to close or to restrict the public use of any street or public place, or portions thereof, which is in the process of construction or repair, or is otherwise dangerous, or during any fire or other public emergency, and to barricade and bar the use thereof during such period.

(b) Where dangerous for use or travel during any fire or other emergency, the director of the department of public works, the chief of the ~~police and fire division~~, the chief of the metropolitan law enforcement agency, or the county sheriff may close any street until it is made safe and may bar or control all traffic thereon. All other boards controlling any public ways or places shall have like powers.

SECTION 30. Section 431-503 of the "Revised Code of the Consolidated City and County," regarding Protection of lots below street grade, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 431-503. Protection of lots below street grade.**

Any person who owns property adjoining a street or sidewalk, the surface of which property close to any part of the street or sidewalk is lower than the street so as to make a dangerous offset, shall guard and enclose the lot securely on the side next to the street so as to prevent danger to persons passing along the street. It shall be the duty of the chief of ~~police~~ the metropolitan law enforcement agency, or other city officials charged with such duty, to cause written notice to be given to any person subject to this section to comply with this section within a reasonable time, not less than ten (10) days, and any person failing to do so within five (5) days after the expiration of the time fixed by the notice or as extended by the board of public works shall be guilty of a violation.

SECTION 31. Section 441-101 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapters 431, 441, 611, 621, and 691, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 441-101. Definitions.**

As used in this chapter, Chapter 431, Chapter 611, Chapter 621 and Chapter 691, the following terms shall have the meanings ascribed to them in this section:

*Alley* shall means and includes:

- (1) A public highway, either paved or unpaved, usually unnamed and without sidewalks, and being of varying widths upon to thirty (30) feet in width; occasionally having sidewalks, but differing from a public street in that it either intersects or is located within a city square or other tract of land, which is bounded on all or any side by public streets and is a secondary way used primarily to afford access, ingress and egress for rear or side entrances to land or structures abutting thereon, although also open and used for vehicular and pedestrian traffic; provided, however, whenever any public alley has been or hereafter is designated as a street and given a name by ordinance, it shall be deemed to be a public street and shall be subject to the regulations applicable to streets, so long as such ordinance establishing it as a street remains in effect, but upon repeal thereof it shall resume its status of an alley.
- (2) The general definition of an alley in subsection (1) shall control in all instances where such word is used in this Code, except when some other specific definition there is given and applied by any other chapter of this Code.

*Authorized emergency vehicle* shall means and includes vehicles of the fire and police forces, ambulances and other kinds of emergency vehicles of municipal departments and other governmental units, of any public utility corporation, and of any hospital, public or private, as are so designated or authorized by the state safety committee or by any statute, this Code or any other city ordinance.

*Bus* shall means and includes every motor vehicle designed and operated as a public carrier of passengers for hire and used for the transportation of persons; and every other vehicle operated by any motive power, other than a taxicab, designed or used for such purpose, but not operated as a public utility carrier.

*Business district* shall means and includes the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of five hundred (500) feet or more is occupied by buildings in use for business.

*Central traffic district* shall means and includes all streets, alleys and public highways, and portions of streets, alleys and public highways, in the city within the area described as follows: All that area bounded by the north property line of St. Clair Street on the north; the east property line of Noble Street on the east; the south property line of Merrill Street on the south; and the west property line of West Street on the west.

*Commercial vehicle* shall means and includes every vehicle, regardless of motive power, including those moved by animal power, used to transport any person or property for hire, except vehicles of a public utility carrier.

*Crosswalk* shall means and includes:

- (1) That part of a roadway at an intersection of any streets, or other place designed and marked by the city for the purpose of pedestrians crossing such streets, which is included within the space extending the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and
- (2) Any portion of a roadway at an intersection or elsewhere, which is distinctly indicated by the city or other public authorities for pedestrian crossing by lines or other markings on the surface or by signs posted at such places.

*Curb loading zone* shall means and includes a space adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Driver and operator* shall means and includes every person who drives or is in actual physical control of a motor vehicle or any other vehicle.

*Forty-five degree-angle parking* shall means that vehicles shall be parked with the nearest front wheel as close as reasonably practicable to the curb or, if there is no curb, then to the line of the traveled roadway, and that the vehicle must form an angle of approximately forty-five (45) degrees with the curb or roadway line, when headed in the direction in which it is lawful to drive or operate such vehicle on the respective street or highway.

*Freight loading zone* shall means a space adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of freight or passengers.

*Intersection* shall means and includes:

- (1) The area embraced within the part of the roadway lying in the extension of the lateral curblines or, if none, in the extension of the lateral boundary lines of the roadways of the two (2) or more highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways divided by a space eight (8) feet or more in width, every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2) similar roadways eight (8) feet or more apart, every crossing of such divided roadways of such highways shall be regarded as a separate intersection.

*Laned roadway* shall means a roadway which is divided into three (3) or more clearly marked lanes for vehicular traffic, or into two (2) or more such lanes on a divided highway.

*Limited-access highway* shall means and includes every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access thereto or therefrom, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

*Motor vehicle* shall means and includes every vehicle which is self-propelled by a motor, or any device using any form of energy or power other than muscular power.

*Motorcycle* shall means and includes every motor vehicle having a saddle or seat for the use of the rider and designed to travel on two (2) and not more than three (3) wheels in contact with the ground, but excluding a tractor. All regulations in this chapter applicable to motor vehicles shall apply to motorcycles, unless clearly inapplicable thereto.

*Officer* shall means and includes every officer of the ~~city police department~~ metropolitan law enforcement agency, or any officer having police powers, authorized to direct or regulate traffic, to serve notices or to make arrests for violations of any traffic regulations of the city or state. The word "officer" shall also include any person authorized by the city or other public authorities to direct or regulate traffic or to serve notices for violations of this chapter, but who does not have general police powers.

*Official time standard* shall means that whenever certain hours are named in this chapter, or are otherwise made applicable, they shall mean standard time of the zone designated to apply to the city; but whenever daylight saving time is in current official use in the city, all hours so specified herein relating to parking or operation of vehicles shall be deemed adjusted to such daylight saving time.

*Official traffic-control devices* shall means and includes all signs, signals, markings and devices, not inconsistent with this Code, placed or erected by authority of a public body or official having jurisdiction thereof, for the purpose of regulating, controlling, warning or guiding traffic.

*Owner* shall means a person who holds the legal title of a vehicle; or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon the performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional

vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

*Park* shall mean, when prohibited, the standing upon any public street or public place of a vehicle, whether occupied or not, other than temporarily and for not longer than five (5) minutes for the purpose of and while actually engaged in the loading or unloading of passengers; or temporarily and for not longer than twenty (20) minutes for the purpose of and while actually engaged in the loading or unloading of merchandise or property, but which is not so placed upon the street as unduly to obstruct traffic; or any vehicle so standing temporarily when disabled, if removed in thirty (30) minutes or upon order of a police or fire officer.

*Passenger loading zone* shall mean a place adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedestrian* shall mean and includes any person afoot.

*Private road, driveway or entrance* shall mean and includes every way or place in private ownership, used by the owner and those having express or implied permission from the owner for vehicular travel or for ingress and egress from his premises to any street, but not open for use by other persons.

*Railroad* shall mean a public carrier of persons or property for hire upon cars, other than streetcars, operated by any motive power upon stationary rails.

*Railroad sign or signal* shall mean and includes any sign, signal or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

*Railroad train* shall mean an engine with steam, electric or other power, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residence district* shall mean and includes the territory contiguous to and including a highway, not comprising a business district, when the property on the highway for a distance of five hundred (500) feet or more is in the main improved with residences or residences and buildings in use for business.

*Right-of-way* shall mean the privilege of the immediate and preferential use of the highway.

*Roadway* shall mean and includes that portion of a street or highway, improved or unimproved, which is designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively.

*Safety zone* shall mean and includes the area or space officially set apart within a roadway for the exclusive use of pedestrians, which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk* shall mean and includes that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, either used and intended for the use of pedestrians or so designated, and which is either paved or unpaved.

*Stop* shall mean, when required, a complete cessation of movement.

*Stop, stopping or standing* shall mean, when prohibited, any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal, or when disabled by any mechanical failure, in which case it shall be removed as soon as reasonably possible.



Street or highway shall means and includes:

- (1) The entire width between the property boundary lines of every way or public place, publicly maintained, when any part thereof is open to the use of the public for purposes of pedestrian and vehicular travel.
- (2) In its broad meaning, as used in this Code, either "street" or "highway" shall include every part of any public way or place, however designated, and all portions within its confines between property lines, however called and when used also for other purposes, such as roadways, paths, sidewalks, esplanades, parkways, bridle paths, tree rows, grassplots or utility easements.

Through or preferential highway shall means and includes every street or highway, or portion thereof, at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop, or where stop signs are erected as provided in this chapter requiring such stop before entering or crossing the through or preferential highway, except where traffic signals or an officer directs traffic at any intersection.

Traffic shall means and includes pedestrians, ridden or herded animals, vehicles, streetcars and all other conveyances, either singly or together, while using any street or highway for purposes of travel or while stopping or parking thereon.

Traffic-control signal shall means and includes any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division shall means the traffic division of the ~~police department of this city~~ metropolitan law enforcement agency, or in the event a traffic division is not established or maintained, the term shall be deemed to refer to the ~~police department or force of the city~~ such agency.

Trailers and tractors shall means the same as the definitions therefor used by the general laws of the state.

Truck shall means and includes every motor vehicle designed, used or maintained primarily for the transportation of property.

Vehicle shall means and includes:

- (1) Every conveyance or device in, upon or by which any person or property is or may be transported or drawn in any manner and for any purpose upon a highway, except vehicles or devices moved by human muscular power or used and operated exclusively upon stationary rails or tracks.
- (2) Where used generally in this chapter or in this Code, such word shall also include motor vehicles and motorcycles where not otherwise shown by the context.

SECTION 32. Section 441-211 of the "Revised Code of the Consolidated City and County," regarding general authority of police and fire department officials to enforce traffic ordinances, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 441-211. General authority of police and fire department officials.**

(a) It shall be the duty of the officers of the ~~police department~~ metropolitan law enforcement agency, or such officers and persons as are assigned by the chief of ~~police~~ such agency or the board of public safety for such purposes, to enforce all provisions of this chapter and other provisions of this Code, or any other ordinances or state laws applicable to traffic in the city.

(b) Officers of the ~~police department~~ metropolitan law enforcement agency, or such persons or officers as are so assigned by the board of public safety or by the chief of ~~police~~ such agency, are authorized by this chapter to direct and control all traffic by voice, hand, signs or signals in conformity with this chapter or other traffic laws and regulations. In the event of and during a fire, or any other emergency, or because of the condition of the street, to expedite traffic or to safeguard pedestrians or any person or property, any officers of

the ~~police department~~ metropolitan law enforcement agency may direct, control, divert or exclude traffic, as conditions may then and there require, notwithstanding any of the provisions of this Code or other ordinances or state traffic laws.

(c) Officers of the fire department, when at the scene of a fire or other occurrence, may direct or assist the police in directing and may limit, divert or exclude traffic at the scene of the fire or in the immediate vicinity thereof, while the emergency continues.

(d) IC 36-9-13 authorizes the Indianapolis-Marion County Building Authority to operate the city-county building and IC 36-8-10-10.6 allows the county sheriff to appoint building authority's security officers as special deputies for enforcing the laws. Thus, for the public safety of all users of the city-county building, such building authority security officers are specifically empowered and directed to enforce all laws, including posted no parking areas, on the public streets and sidewalks around the circumference of the building. Building authority security officers also shall enforce laws and building rules within the city-county building and grounds.

SECTION 33. Sections 441-221 and 441-222 of the "Revised Code of the Consolidated City and County," regarding the bureau of accident prevention, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 441-221. Created; authority generally.**

(a) There is hereby created and continued, in and as auxiliary to the traffic division of the ~~police force~~ under the department of public safety metropolitan law enforcement agency, a bureau of accident prevention, to make a study of and to aid in avoiding or reducing accidents, reporting and removing dangerous conditions from any causes within the city, and to perform any other duties assigned to it by the board of public works and the ~~captain~~ superior officer of the ~~police~~ traffic division.

(b) Power is given the board of public works to assign to the bureau of accident prevention any officers or members of the ~~police force~~ metropolitan law enforcement agency required for its duties and to provide for the various duties and operation thereof by such rules and regulations therefore as it may from time to time adopt. Bonds may be prescribed for any personnel required and fixed by this Code or by other ordinance, except where any such member of the ~~police force~~ agency so assigned is under a general bond which includes all duties performed by ~~him~~ such member for the bureau. All compensation for such personnel shall be as fixed for their respective ranks in the ~~police force~~ agency by the annual budget or otherwise.

**Sec. 441-222. Head of the bureau.**

The board of public works shall designate one (1) of the members of the accident prevention bureau as the director thereof, who shall be its administrative head, shall keep its records, make reports to the board and the ~~captain~~ superior officer of the traffic division, and perform such other services as may be assigned to ~~him~~ such member at any time by the board, the chief of ~~police~~ the agency, or the ~~captain~~ superior officer of the traffic division.

SECTION 34. Section 441-365 of the "Revised Code of the Consolidated City and County," regarding Special permits for restricted vehicles in emergencies, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 441-365. Special permits for restricted vehicles in emergencies.**

Special permits, without charge, may be issued by the board of public works or by the ~~police department~~ metropolitan law enforcement agency for some specific temporary use by restricted vehicles of any street in the city or for marked detours over any boulevards, whenever so necessary for any reason or in any emergency, and regardless of the weight limits prescribed in this division. The total maximum weight, with load, of any vehicle which is not so excepted for and during an emergency may be limited by the board of parks and recreation as to the use of any or all boulevards, based upon recognized engineering tests to determine what weights may be properly and safely borne by any of such particular pavements.

SECTION 35. Section 531-712 of the "Revised Code of the Consolidated City and County," regarding enforcement of animal care and control ordinances, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 531-712. Enforcement authority's rights and responsibilities.**

(a) Persons who are individually charged with the enforcement of this chapter shall be designated animal care and control officers, and prior to the performance of any act in connection therewith, shall be appointed and sworn as special police officers pursuant to Chapter ~~253~~ 251, Article ~~IV~~ VI of the Code. Such animal care and control officers shall also receive appropriate and relevant training and be certified by the National Animal Control Association or other appropriate agency.

(b) It shall be the duty of the ~~city police department and the county sheriff~~ metropolitan law enforcement agency to assist in the enforcement of all provisions of this chapter and other ordinances in relation to animals, and it shall be the duty of all ~~police officers and county sheriff's deputies~~ officers of such agency to report at once all violations thereof to police or sheriff's headquarters.

(c) Such officers are authorized to enforce all provisions of this chapter and section 836-5 of this Code, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this chapter.

(d) Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food, shelter and water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an animal care and control officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant's behalf responds to such notice within twenty-four (24) hours after the notice is affixed, an animal care and control officer may enter the premises to determine if the provisions of this chapter or section 836-5 of this Code have been violated.

SECTION 36. Section 591-233 of the "Revised Code of the Consolidated City and County," regarding assistance in the enforcement of fire prevention and protection ordinances, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 591-233. Law enforcement assistance.**

The ~~Chief of the Indianapolis Police Department or the county sheriff~~ metropolitan law enforcement agency may, upon request of the chief of the appropriate fire department or bureau, assign such available law enforcement officers as may be necessary to assist the appropriate department or bureau in the enforcement of this chapter.

SECTION 37. Section 591-627 of the "Revised Code of the Consolidated City and County," regarding display of Halloween amusement permit, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 591-627. Display of permit required.**

A permit issued pursuant to this division shall at all times be in a conspicuous place on the premises designated in the permit and shall at all times be subject to inspection by anyone duly authorized by the fire ~~or police department~~ or metropolitan law enforcement agency.

SECTION 38. Section 611-101 of the "Revised Code of the Consolidated City and County," regarding restrictions on the size, length and load of motor vehicles, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 611-101. Restrictions on size, length and load.**

(a) No vehicle shall be loaded and operated on the city streets in violation of any statute or this Code or otherwise so as to damage the street or constitute a hazard to other vehicles and persons lawfully using any street. No articles shall project in the front or rear thereof over four (4) feet and, if projecting, they shall be safeguarded by a red cloth by day and by a red light at night, each visible for five hundred (500) feet from the vehicle.

(b) No vehicles in excess of three (3) shall be connected together and be so operated as a train over the streets, unless in an emergency and after obtaining a special permit therefore, without charge, from the board of public safety or the chief of police the metropolitan law enforcement agency, or his authorized representative.

(c) No trailer or towed vehicle shall be separated more than six (6) feet from the vehicle drawing it, and proper warning lights on the rear of each vehicle shall be used at night, with the light on the back vehicle to be visible to the rear thereof for at least five hundred (500) feet.

SECTION 39. Sections 611-202 through 611-212, inclusive, of the "Revised Code of the Consolidated City and County," regarding the impoundment and removal of vehicles, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 611-202. Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them in this section:

(1) *Vehicle* shall mean a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(2) *Wrecker* shall mean and includes any person engaged in the business of offering the services of a towing vehicle for use in removing, pulling, lifting or pushing another vehicle which is disabled, and shall include the employees, agents and towing vehicles used in the business of providing towing services.

(3) *Person* shall mean and includes all natural persons, firms, partnerships and corporations.

(4) *Director* shall mean the director of the department of public safety of the City of Indianapolis.

(5) *Sheriff* shall mean the sheriff of Marion County.

(6) *Safety board* shall mean the board of public safety created under IC 36-3-5-6.

*Authority* means the metropolitan law enforcement consolidation transition authority established under Section 279-201 of the code.

*Committee* means the metropolitan law enforcement consolidation transition advisory committee established under Section 279-203 of the code.

*Council* means the metropolitan law enforcement advisory council established under Section 279-205 of the code.

(7) *Officer* means and includes any member of the Indianapolis Police Department metropolitan law enforcement agency.

(8) *Deputy* means any active or reserve deputy of the Marion County Sheriff's Department.

(9) *Franchise* means the authority within a designated zone to tow vehicles on behalf of the city.

(10) *Franchise fee* means that certain sum of money paid by the owner, operator, or authorized representative of same, of a towed vehicle by the franchised wrecker for remittance to the city, as a portion of the towing fee.

(11) *Tow* means the act of lifting, pushing, pulling or removing a vehicle.

(12) *Impoundment* means the act of taking temporary custody of a vehicle and towing it from a public street, highway or right-of-way to an authorized secured area.

(13) *Towing fee* means that certain sum of money charged the owner, operator, or authorized representative of same, of a towed vehicle.

(14) *Storage fee* shall means that certain sum of money charged the owner, operator, or authorized representative of same, for the safekeeping of the impounded vehicle.

(15) *Police hold* means an order from the ~~police department~~ metropolitan law enforcement agency to impound a vehicle because of its suspected involvement in criminal activity.

(16) *Deputy hold* means an order from the ~~sheriff's department~~ to impound a vehicle because of its suspected involvement in criminal activity.

(17) *Accident* means a collision of vehicles or a vehicle and an object on a public street, highway, right-of-way or publicly owned property.

#### **Sec. 611-203. Certain vehicles declared a public nuisance.**

Any vehicle parked or left standing unattended upon any street or public place in the city in violation of any of the provisions of this Code or of any statute of the state, or any vehicle known to have been stolen or wrecked and left standing on any street or public place, or any vehicle the operator of which is unable to move such vehicle by reason of his incapacity from injury or arrest, or any vehicle upon which there is a police force hold ~~or deputy hold~~ or which has been involved in four (4) or more violations of traffic or parking ordinances of the city for which notices of traffic or parking violations have been issued pursuant to this chapter, which notices of traffic or parking violations have not been paid, presented for compromise payment or slated into court pursuant to this chapter, is hereby declared to be a public nuisance.

#### **Sec. 611-204. Removal of vehicles constituting a nuisance.**

Any officer ~~or deputy~~, upon discovering a vehicle parked or left standing so as to constitute a public nuisance pursuant to the provisions of this article, shall cause the vehicle to be removed to an authorized storage place where it shall be impounded and detained as provided in this article. Such vehicles shall be released only upon order of the chief of ~~police~~ the metropolitan law enforcement agency, ~~sheriff~~, ~~or the director~~, or upon an order of the judge of any court having jurisdiction over the vehicle.

#### **Sec. 611-205. Removal of vehicles; release.**

(a) Any officer ~~or deputy~~, upon discovering a vehicle parked or left standing so as to constitute a public nuisance, may cause the vehicle to be impounded. Impounded vehicles shall be released either upon payment by the owner, operator or authorized representative of same of the fees charged for impoundment and storage, or upon order of the chief of the metropolitan law enforcement agency ~~which impounded the vehicle~~, or upon order of any court having jurisdiction over the vehicle.

(b) All vehicles impounded by reason of being wrecked or stolen and all vehicles otherwise coming into the custody or control of the ~~police department~~ such agency, and those impounded for parking violations, may be impounded in lots maintained for such purposes by franchised wreckers or in a lot authorized and chosen by the ~~director~~ sheriff, but that lot shall not be operated by any ~~Marion County city or county~~ governmental agency. The attendant for any central lot shall collect the towing fees for the franchised wreckers and shall remit same to the wreckers monthly, along with monthly reports to the ~~director~~ sheriff in such form as he the sheriff shall prescribe.

~~(c) All vehicles impounded by reason of being wrecked or stolen and all vehicles otherwise coming into the custody or control of the sheriff's department, and those impounded for parking violations, may be impounded in lots maintained for such purposes by franchised wreckers as authorized and chosen by the sheriff. Fees for vehicles impounded by the sheriff's department shall be set by the sheriff as provided herein.~~

**Sec. 611-206. Procedure for selecting wreckers.**

(a) ~~Franchise zones.~~ The ~~director~~ sheriff shall invite bids from wreckers for providing franchised towing services on the geographic basis of zones or on some other basis of distribution of towing services within the ~~police special service district consolidated city~~ established by the ~~director~~ sheriff for the efficient organization of the removal of vehicles. The ~~director~~ sheriff shall establish specifications which shall include but not be limited to the wrecker's towing vehicles, equipment, storage lot and insurance, and shall include same in all invitations to bid. ~~Said~~ Such specifications for bids shall be designed by the ~~director and sheriff in consultation with the chief of police the metropolitan law enforcement agency and approved by the board of public safety.~~ Bids shall be submitted according to said such specifications and the requirements of the city purchasing agent division. The ~~board of public safety sheriff~~ shall award each towing contract to the responsible and responsive bidder who offers to pay the highest franchise fee above the minimum franchise fee set by the ~~board of public safety sheriff~~ or it may reject any and all bids received and call for new bids. A written contract shall be executed between the ~~board of public safety sheriff~~ and each successful bidder.

(b) ~~Franchise fee.~~ Towing, storage and all other such fees that may be charged by a franchise wrecker as well as a minimum franchise to be paid by the wrecker shall be set by the ~~board of public safety sheriff~~ and included in the specifications for bids. The amount of the franchise fee shall be established by competitive bidding as provided in subsection (a). Funds realized from the collection of franchise fees shall be deposited in the police county general fund.

**Sec. 611-207. Sheriff's procedure for providing wreckers.**

~~(a) Franchise zones.~~ The ~~sheriff~~ shall establish geographic zones to facilitate the efficient removal of vehicles within the county. The ~~sheriff~~ shall select a wrecker or wreckers for each geographic zone.

~~(b) Franchise fee.~~ Towing, storage, and all other such fees that may be charged by a franchise wrecker shall be established by the ~~sheriff~~, except the franchise fee to be paid by the wrecker shall be established by the ~~council~~. The franchise fee shall be twenty dollars (\$20.00) per vehicle towed. Funds realized from the collection of franchise fees shall be deposited in the ~~county~~ general fund.

**Sec. 611-208. Procedure for removing and impounding vehicles.**

(a) Vehicles involved in an accident may be towed by any wrecker of the owner's or operator's choosing, provided that such wrecker may be summoned promptly to avoid creating a traffic hazard. If the officer or ~~deputy~~ on the scene of the accident determines a traffic hazard has been created by the delay in the arrival of the owner's or operator's chosen wrecker, or if the owner or operator does not care to select a wrecker of his own choice, the officer or ~~deputy~~ may declare the vehicle a traffic hazard, and it shall become subject to the officer's or ~~deputy's~~ order to the ~~contract~~ contractor or other ~~city~~ authorized wrecker to remove it from the scene. However, the vehicle shall not be subject to impoundment, but shall be towed to the destination selected by the owner or operator. If the owner or operator is under a disability by reason of injury or arrest, the vehicle shall be subject to impoundment upon order of the officer or ~~deputy~~ on the scene.

(b) Vehicles recovered as stolen or which come into the custody of the ~~police department or sheriff metropolitan law enforcement agency~~ for other reasons shall be subject to impoundment upon order of the officer or ~~deputy~~ having control of the vehicle.

(c) All other vehicles subject to removal ~~by the city or sheriff~~ under this article, including those in violation of parking ordinances, may be towed by the franchised wrecker for each designated zone, upon notification and order by an officer or ~~deputy~~, and may be impounded and stored pursuant to the provisions of section 611-205.

**Sec. 611-209. Communications.**

The chief of ~~police or sheriff~~ the metropolitan law enforcement agency may authorize in writing each franchised wrecker to install emergency frequency monitor radios in its trucks for use in response to accident scenes and the locations of improperly parked vehicles. The franchised wrecker's tow trucks may only use such radios to respond to direct orders from the ~~central police or sheriff's~~ metropolitan law enforcement agency's dispatcher.

**Sec. 611-210. Unauthorized wrecker at scene.**

(a) It shall be unlawful for any wrecker to proceed to the scene of an accident for solicitation purposes without having been summoned by either party involved in the accident or an officer ~~or deputy~~ at the scene of the accident. Such unauthorized response is declared a traffic hazard and harmful to the health, welfare and safety of the people of the city and county, and, as such, those wreckers so responding are declared public nuisances and subject to impoundment procedures, upon order of the officer ~~or deputy~~ at the scene of the accident.

(b) It shall be unlawful for any wrecker to monitor for profit emergency frequency radios installed in tow trucks without having written authorization for an emergency radio installation by the chief of ~~police or sheriff~~ the metropolitan law enforcement agency.

**Sec. 611-211. Liability of city, county, and wrecker.**

(a) The city or ~~sheriff~~ county shall not be liable for any loss or damage which may occur to any vehicle which is removed pursuant to the provisions of this article. The wrecker shall indemnify and hold harmless the city and ~~sheriff~~ county, their officers, agents and employees, from any loss, claim, judgment or damages arising from the removal and storage of vehicles pursuant to this article. The wrecker shall have sole responsibility for any articles of personal property which may be contained in any vehicle at the time of its removal; such articles of personal property shall not be held by the contract wrecker in lieu of the service charges authorized herein but shall be returned by him or his agents to the owner thereof upon sufficient identification and proof of ownership. The officer directing the removal of a vehicle shall verify what personal property in plain view is contained in it prior to its removal, report such articles to ~~police headquarters or the sheriff's department~~ the metropolitan law enforcement agency and/or on the incident report, and if possible, remove all property of value to the ~~police department or the sheriff's department~~ such agency's property room pursuant to existing ~~police department or sheriff's department~~ agency regulations. If certain items of personal property cannot be stored by the ~~police department or sheriff's department~~ agency, the wrecker company shall store said items, and the officer ~~or deputy~~ in charge shall furnish a copy of the list of said items to the wrecker truck operator for the use of the wrecker service. Said list prepared by the officer ~~or deputy~~ shall be signed by the wrecker operator after the wrecker operator has verified the existence of the items so listed.

(b) ~~The county shall not be liable for any loss or damage which may occur to any vehicle which is removed pursuant to the provision of this article. The wrecker shall indemnify and hold harmless the county, its officers, agents and employees, from any loss, claim, judgment or damages arising from the removal and storage of vehicles pursuant to this article. The wrecker shall have sole responsibility for any articles of personal property which may be contained in any vehicle at the time of its removal; such articles of personal property shall not be held by the contract wrecker in lieu of the service charges authorized herein but shall be returned by him or his agents to the owner thereof upon sufficient identification and proof of ownership.~~

**Sec. 611-212. Responsibility of wrecker at accident site.**

A wrecker directed by an officer, ~~a deputy~~, or the ~~police or sheriff's~~ metropolitan law enforcement agency's dispatcher to remove vehicles from the scene of any accident shall clean the street or accident location of all debris caused by the accident.

SECTION 41. Section 611-214 of the "Revised Code of the Consolidated City and County," regarding notice of motor vehicle removal, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 611-214. Notice of motor vehicle removal.**

(a) Whenever a motor vehicle has been removed, the wrecker who moved said vehicle shall, within two (2) hours, give or cause to be given notice to the ~~sheriff or police department~~ metropolitan law enforcement agency of the fact of such removal and the reasons therefore and of the manner in which such vehicle may be reclaimed. Any such notice shall also be given to the proprietor of the storage lot or garage to which such vehicle is removed.

(b) Such notice shall include:

- (1) A description of the vehicle;
- (2) Its license number;
- (3) The date and time of its removal;
- (4) Location from where it was removed;
- (5) Its present location;
- (6) The name and address of its owner and last operator, if known;
- (7) Its final disposition; and
- (8) The reason for its removal.

(c) Notice is not required in the event:

- (1) The owner or person in charge of such vehicle signs a release from such notice at the scene of the tow;
- (2) The reason for the motor vehicle's removal was not an alleged violation of law; and
- (3) The wrecker agrees and keeps such release on file for a period of thirty (30) days.

SECTION 41. Section 611-303 of the "Revised Code of the Consolidated City and County," regarding city responsibilities for the removal, storage and disposal of abandoned vehicles, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 611-303. Responsibilities of the ~~department of public safety and the department of public works.~~**

(a) The ~~department of public safety and/or the~~ department of public works shall be charged with the responsibility for the removal, storage and disposal of abandoned vehicles which have been impounded by the ~~Indianapolis Police Department~~ metropolitan law enforcement agency pursuant to Article II of this chapter and/or IC 9-22-1-1 et seq.

(b) The ~~department of public safety or the~~ department of public works may enter into contractual arrangements for the disposal of vehicles which have been impounded pursuant to Article II of this chapter and/or IC 9-22-1-1 et seq. and have been declared abandoned pursuant to the provisions of IC 9-22-1-1 et seq.

(c) The department of public works shall also be charged with the responsibility for the removal, storage, and disposal of abandoned vehicles other than those designated in, subsection (a) of this section.

(d) The department of public works may employ personnel, and acquire equipment, property and facilities, to facilitate the removal of abandoned vehicles.



(e) The department of public works may enter into contractual arrangements with a towing service to provide for the removal, storage and disposal of abandoned vehicles.

- (1) The contract for these services shall be awarded on the basis of specifications prepared by the department of public works.
- (2) As a prerequisite for submitting a bid or quote, a towing service must maintain processing equipment capable of disposing of vehicles by crushing or similar means.

SECTION 42. Section 611-307 of the "Revised Code of the Consolidated City and County," regarding towing and storage charges for abandoned vehicles, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 611-307. Towing and storage charges.**

(a) An owner or lienholder who claims a vehicle impounded and declared abandoned by the ~~Indianapolis Police Department~~ metropolitan law enforcement agency shall be charged a towing fee and a per-day storage fee consistent with the provisions of the contract entered into between the ~~department of public safety~~ metropolitan law enforcement commission and franchised wreckers as provided in Article II of this chapter.

(b) Except as specified in subsection (a) above, an owner or lienholder who claims a vehicle removed and stored by the department of public works shall be charged a twenty-five dollar towing fee and ten dollars (\$10.00) per day storage fee. The storage fee shall be allowed to accumulate for a maximum period of sixty (60) days.

SECTION 43. Section 621-218 of the "Revised Code of the Consolidated City and County," regarding enforcement of ordinances relating to parking meters, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 621-218. Responsibility for enforcement of this article.**

The duties of and the responsibility for the enforcement of the provisions of this article involving offenses pertaining to parking of vehicles and parking meters and such other duties as may otherwise be prescribed in this article shall be vested in the board of public safety and the ~~city police force~~ metropolitan law enforcement agency.

SECTION 44. Section 621-225 of the "Revised Code of the Consolidated City and County," regarding notice of violation of ordinances relating to parking meters, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 621-225. Notice ~~or arrest~~ for violation of this article.**

Whenever a member of the ~~police department of the city~~ metropolitan law enforcement agency, or any other person designated by the board of public safety and charged with the enforcement of this article, shall find that any provision of this article or Code is being or has been violated by the owner, driver or operator of any vehicle, the officer ~~may either arrest (?) such person, or he, or anyone so~~ or other authorized person shall notify in writing the owner, driver or operator of the violation, and further procedure shall be as provided in this chapter.

SECTION 45. Section 621-309 of the "Revised Code of the Consolidated City and County," regarding removal, impounding and return of vehicles during snow emergencies, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 621-309. Removal, impounding and return of vehicles.**

(a) Individuals shall be charged with the responsibility of knowing the priority of their street of residence and deemed to know the same. Further, individuals shall be responsible for ascertaining the priority of the

street upon which they are traveling or upon which they have become stalled and deemed to know the same and shall take whatever measures necessary to remove stalled vehicles from those routes in accordance with this article.

(b) The department of public works and ~~Marion County Sheriff's Department~~ the metropolitan law enforcement authority agency are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place (including another place on a street) or to a garage designated or maintained pursuant to a contract with the City of Indianapolis and Marion County, when:

- (1) The vehicle is parked on a part of a priority street on which a declared prohibition is in effect;
- (2) The vehicle is stalled on a part of a priority street on which there is a covering of snow or ice, or on which there is a declared parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this article; or
- (3) The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

(c) In the event that it is deemed by any law enforcement officer that a vehicle shall be towed for the purpose of storage, ~~he~~ such officer shall order the vehicle towed immediately in accordance with the provisions of this article. In the event that there is an insufficient number of contract wreckers available, the mayor or his the mayor's designee shall have the authority to enter into a service contract with other wrecker services for the purpose of towing vehicles during the period of the snow removal operations. Vehicles shall be towed to any approved storage lot owned by a wrecker service. In the event that there is no space available on such a lot, the vehicle shall be stored at such a site designated by the law enforcement officer.

(d) Whenever a vehicle has been removed from a street as authorized in this section and the appropriate agency is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such agency shall, as soon as possible, give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the manner in which such vehicle may be reclaimed. In this event, any such notice shall be given to the proprietor of such storage lot or garage.

(e) Whenever an officer removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the bureau of motor vehicles and shall file a copy of such notice with the proprietor of any storage lot or garage in which the vehicle may be stored.

(f) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the appropriate law enforcement agency evidence of his identity and right to possession of the vehicle, and shall:

- (1) Sign a receipt for its return;
- (2) Pay the cost of removal; and
- (3) Pay any cost of storage accrued for each additional day or portion thereof thereafter.

Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the provisions of the applicable state statutes.

(g) It shall be the duty of the appropriate law enforcement agency to keep a record of each vehicle removed in accordance with this section. The record shall include:

- (1) A description of the vehicle;
- (2) Its license number;

- (3) The date and time of its removal;
- (4) Location from where it was removed;
- (5) Its present location;
- (6) The name and address of its owner and last operator, if known;
- (7) Its final disposition; and
- (8) The parking violation involved.

(h) This section shall be supplemental to any other provisions of law granting members of the ~~Indianapolis Police Department or Marion County Sheriff's Department~~ metropolitan law enforcement agency authority to remove vehicles.

(i) Any party who received a citation for violation of any provision of this article shall pay a penalty of twenty-five dollars (\$25.00), which is in addition to any and all other costs as provided in subsection (f) of this section and subsection (a) of section 441-215. The twenty-five dollar penalty shall be deposited in the accounts of the City of Indianapolis.

(j) In the event an individual feels that he has been improperly fined as a result of this article, he may enter a plea of not guilty and shall be entitled to a hearing in the court of appropriate jurisdiction.

SECTION 46. Section 621-431 of the "Revised Code of the Consolidated City and County," regarding enforcement of ordinances pertaining to loading zones, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 621-431. Enforcement.**

(a) It shall be the duty of the ~~police department and the sheriff's department~~ metropolitan law enforcement agency to enforce the provisions of this division and of any regulation enacted under this division.

(b) In enforcing the provisions of this division or any regulation enacted under this division, the above ~~persons are~~ agency is authorized, without limitation, ~~to impose fines, to ticket, and to tow vehicles.~~

SECTION 47. Section 621-501 of the "Revised Code of the Consolidated City and County," regarding parking next to a fire hydrant, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 621-501. Stopping, standing or parking in proximity to fire hydrant or fire protection systems with a fire department connection.**

It shall be unlawful for the owner, driver or operator of any vehicle to park, stop, stand or permit a vehicle to be parked, to be stopped or to stand at any time, day or night, within twelve (12) feet, measured laterally along the curbline, of any fire hydrant or fire department connection, provided, however, this section shall not apply to any emergency vehicle of a fire department, ~~police~~ the metropolitan law enforcement agency or ~~sheriff departments~~ sheriff's department, emergency medical services, official vehicles of the city, county or state, official volunteer firefighters and emergency medical technicians, and any other type of departmental equipment used by them, while and where actually engaged in authorized work upon the surface or other portions or appurtenances to a highway, except that all such persons shall exercise reasonable care to avoid injury to any person or damage to any property. This section shall not apply to those vehicles stopping or standing when in a line of traffic due to official traffic-control devices, signals or orders of public safety officers.

SECTION 48. Section 631-121 of the "Revised Code of the Consolidated City and County," regarding enforcement of ordinances pertaining to the department of parks and recreation, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 631-121. Enforcement of this chapter.**

The board of parks and recreation, the director of parks and recreation, park superintendents, recreation supervisors, park police, ~~Indianapolis police, Marion County deputy sheriffs,~~ metropolitan law enforcement agency officers, state law enforcement officers, all health authorities, and the custodians and other employees of the department of parks and recreation ~~holding special police powers~~ appointed and sworn as special police officers pursuant to Chapter 251, Article VI of the Code, are authorized and empowered to enforce any and all provisions of this chapter and laws of the state and city in all places under the control of the department of parks and recreation.

SECTION 49. Section 641-1 of the "Revised Code of the Consolidated City and County," regarding definitions applicable in Chapter 641, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 641-1. Definitions.**

~~The following definitions apply for purposes of~~ As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

(1) ~~Law enforcement officer shall be defined to include~~ means and includes any sworn member of the ~~Marion County sheriff's department, any member of the Indianapolis police department~~ metropolitan law enforcement agency, and any person granted law enforcement authority by any other officer or employee of Indianapolis or Marion County to whom law enforcement power has been lawfully granted.

(2) ~~Law enforcement agency shall be defined to include the Indianapolis police department, Marion County sheriff's department~~ means and includes the metropolitan law enforcement agency, Indiana state police, and the police agencies of all included and excluded cities and towns within the boundaries of Marion County.

SECTION 50. Section 645-705 of the "Revised Code of the Consolidated City and County," regarding records pertaining to utilities in the public rights-of-way, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 645-705. Records.**

(a) Each utility having the right to install and locate poles, service lines, conduits or other utility facilities of any kind in the public rights-of-way and places of the city shall at all times maintain a record of the same, their locations in the public streets or public places of the city, and a record of the location and dates of repairs made to those facilities within the last eight (8) years. Such records and copies thereof shall be made available, on demand, to the mayor, the director of public works, the chiefs of the ~~police and fire departments~~ and metropolitan law enforcement agency, or any board or other city official requiring and requesting such information. All records of all abandoned lines and of the removal of all utility poles, conduits, pipes, lines and other facilities shall be kept by the utility for a period of at least three (3) years and be available to the city authorities, or copies of such records be furnished on demand.

(b) It shall be unlawful for any utility required to keep records by this section to fail to keep such records, or to fail to produce and make them available to the city authorities on written demand.

SECTION 51. Section 811-812 of the "Revised Code of the Consolidated City and County," regarding definitions applicable in Chapter 811 regarding alarm systems, hereby is renumbered and amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 811-812 811-112. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Alarm administrator* means the person designated by the director of the department of public safety to discharge the duties and responsibilities as prescribed in this chapter. The alarm administrator shall be an employee of the department.

*Alarm business* means any individual, partnership, corporation or other entity which does any of the following: monitors, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

*Alarm system* means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the ~~Indianapolis Police Department or the Marion County Sheriff's Department~~ metropolitan law enforcement agency.

For the purposes of this chapter, alarm system shall not include:

- (1) An alarm installed on a motor vehicle;
- (2) An alarm designed so that the ~~Indianapolis Police Department or the Marion County Sheriff's Department~~ are metropolitan law enforcement agency is not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business has checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice;
- (3) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is a sounding alarm that automatically stops within fifteen (15) minutes after activation; or
- (4) An alarm installed upon premises occupied by the United States of America, the state or any political subdivision thereof.

*False alarm* means an alarm eliciting a police response when the situation does not require police services. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer or maintainer.

*Monitor or monitoring* means the detection from a remote location of the activation of an alarm system subject to this chapter.

SECTION 52. Section 811-212 of the "Revised Code of the Consolidated City and County," regarding applications for an alarm business license, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 811-212. Application for license.**

(a) All applications for a license required by this article shall be made on forms designed by the alarm administrator and shall include the following information:

- (1) The full name and address of the alarm business;
- (2) The full name, business address and home address of the owner or manager; and
- (3) A telephone number at which the ~~Indianapolis Police Department or Marion County Sheriff's Department~~ metropolitan law enforcement agency can notify personnel of the alarm business of a need for assistance at any time.

(b) An alarm business shall promptly notify the alarm administrator in writing of any change in the information contained in the application form.

SECTION 53. Section 811-215 of the "Revised Code of the Consolidated City and County," regarding the verification of a false alarm before notification, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 811-215. Verification of alarm required before notification.**

(a) An alarm business which monitors an alarm system located within the city shall not notify the ~~Indianapolis Police Department or the Marion County Sheriff's Department~~ metropolitan law enforcement agency that an alarm has been activated, until first attempting to verify the activation by reaching the person having control over the property by telephone, or by other means available to the alarm business. Once a ~~law enforcement~~ the agency has been notified, the alarm business shall immediately attempt to contact any other person who the alarm business knows may be able to verify the activation of the alarm. The alarm business shall immediately notify the ~~law enforcement~~ agency if it is able to contact such other person.

(b) Failure to comply with the provisions of this section shall constitute a violation of this Code.

SECTION 54. Section 831-8 of the "Revised Code of the Consolidated City and County," regarding inspections of amusement locations and amusement machines, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 831-8. Inspections; report of violations.**

It shall be the duty of every law enforcement officer, and all persons designated by the chief of ~~police~~ the metropolitan law enforcement agency, county sheriff and controller, to make frequent inspections of all amusement locations, and amusement machines, and if any gaming, improper or unlawful practices are observed to report the same to the chief of ~~police~~ the metropolitan law enforcement agency or county sheriff for proper action and also to the controller, who thereupon may recommend proceedings to revoke the registration.

SECTION 55. Section 903-109 of the "Revised Code of the Consolidated City and County," regarding operation of pedal cabs in the Regional Center during 2002, hereby is REPEALED.

SECTION 56. Sections 931-104 and 931-105 of the "Revised Code of the Consolidated City and County," regarding notification of claims for damage or loss, and notification of unclaimed vehicles in commercial parking facilities, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 931-104. Notification of claims for damage or loss.**

Every registrant under this chapter shall notify, within five (5) days, the ~~city police department~~ metropolitan law enforcement agency of every claim the asserted value of which is five hundred dollars (\$500.00) or more, by reason of the loss, theft or conversion of any motor vehicle, or personal property contained therein, while such vehicle was parked at the commercial parking facility.

**Sec. 931-105. Notification to police of unclaimed vehicles.**

Every registrant under this chapter shall immediately give written notice to the ~~city police department~~ metropolitan law enforcement agency of the license number, make, and name of the owner, if known to the registrant, of every motor vehicle which is left unclaimed in the commercial parking facility for a period of forty-five (45) consecutive days.

SECTION 57. Section 996-24 of the "Revised Code of the Consolidated City and County," regarding attachments to an application for a license to operate a public vehicle for hire, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 996-24. Attachments to the application.**

Each application shall be accompanied by:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the controller, designed to be easily attachable to the license;
- (2) A complete set of the applicant's fingerprints in a format prescribed by the controller;
- (3) A copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application;
- (4) A copy of the applicant's limited criminal history from the Indiana State Police and from the ~~Indianapolis Police department~~ metropolitan law enforcement agency, as provided by IC 5-2-5-5; and
- (5) Such additional items as the controller deems necessary.

SECTION 58. Section 996-133 of the "Revised Code of the Consolidated City and County," regarding complaints pertaining to public vehicles for hire, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 996-133. Complaints.**

(a) Any person knowing of the misconduct of any licensee under this article may present a complaint to any police officer of the city or to the controller. The controller shall investigate the complaint with the assistance of the ~~Indianapolis Police Department or the Marion County Sheriff~~ metropolitan law enforcement agency, if the controller deems such assistance necessary. The ~~Indianapolis Police Department or the Marion County Sheriff~~ metropolitan law enforcement agency shall file with the controller a report of the facts relating to such conduct. The controller shall then notify the licensee in writing that charges have been filed against him, setting a time for a hearing on such charges as provided in Chapter 801, Article IV, of the Code.

(b) If additional complaints or violations of this chapter are observed against a licensee within a twelve (12) month period and after a hearing by the controller found to have merit, the controller shall impose not less than a one (1) week suspension, and if determined to be beneficial by the controller, require the operator to successfully complete the forty (40) hour training program pursuant to section 996-27 during the suspension.

SECTION 59. Initial Appointments to the Metropolitan Law Enforcement Merit Board. Prior to December 31, 2006:

- (1) the sheriff shall appoint four (4) members of the metropolitan law enforcement merit board; and
- (2) all active Indianapolis police department and county police force officers collectively shall elect two (2) members of the metropolitan law enforcement merit board;

for terms beginning on January 1, 2007, as provided in Sec. 279-233 under SECTION 1 of this ordinance.

SECTION 60. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 61. No later than December 31, 2007, the planned staffing level of the metropolitan law enforcement agency shall equal the full authorized strengths of the Indianapolis police department and the county police force of the sheriff's department as provided in their 2005 budgets. In order to meet this requirement, the police and sheriff's departments shall participate in a joint hiring process in 2006 in such a manner as to allow sufficient recruit classes to be hired to achieve full strength by the stated deadline.

SECTION 62. No later than December 31, 2007, the planned staffing level of the Indianapolis fire department shall be equal to the full authorized strength as provided in its 2005 budget. The department shall allow sufficient recruit classes to be hired to achieve full strength by the stated deadline. Provided, however, that this subsection shall not prevent the department from establishing a new authorized strength level in the event of a consolidation provided under I.C. 36-3-1-6.1 or any other applicable law.

SECTION 63 Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 64. SECTION 1, and SECTIONS 60 through 63, inclusive, of this ordinance shall be in effect from and after the passage of this ordinance by the Council, and compliance with Ind. Code § 36-3-4-14.

SECTION 65. SECTIONS 2 through 59 of this ordinance, inclusive, shall be in effect on and after January 1, [REDACTED] following the passage of this ordinance by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 19th day of December, 2005, at 7:26 p.m.

ATTEST:

\_\_\_\_\_  
Steve Talley  
President, City-County Council

\_\_\_\_\_  
Jean Ann Milharcic  
Clerk, City-County Council

Presented by me to the Mayor this 20th day of December, 2005, at 10:00 a.m.

\_\_\_\_\_  
Jean Ann Milharcic  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of December, 2005.

\_\_\_\_\_  
Bart Peterson, Mayor

STATE OF INDIANA, MARION COUNTY) ) SS:  
CITY OF INDIANAPOLIS ) )

I, Jean Ann Milharcic, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 627, 2005, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 19th day of December, 2005, by a vote of 16 YEAS and 13 NAYS, and was retitled General Ordinance No. 110, 2005, which was signed by the Mayor on the \_\_\_\_\_ day of December, 2005, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this \_\_\_\_\_ day of December, 2005.

\_\_\_\_\_  
Jean Ann Milharcic  
Clerk, City-County Council

(SEAL)