

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

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CITY COUNTY COUNCIL

PROPOSAL NO. 112, 2016

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

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INTRODUCED: 02/29/2016

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillors Lewis, Robinson and McQuillen

DIGEST: amends the Code to restructure the department of public safety to allow the mayor to directly oversee IMPD and IFD, to create the office of public health and safety, and to recodify the office of citizen's police complaints and the animal care and control division

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SOURCE:

Initiated by: Office of the Mayor

Drafted by: Office of Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_



Date: February 25, 2016

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CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_\_, 2016

PROPOSAL FOR A GENERAL ORDINANCE to restructure the department of public safety to allow the mayor to directly oversee IMPD and IFD, to create the office of public health and safety, and to recodify the office of citizen's police complaints and the animal care and control division.

WHEREAS, IC 36-3-5-4 establishes the five departments of the city, while IC 36-3-4-23 provides the city with authority to transfer agency powers by creating or abolishing departments, divisions, offices or agencies and also allowing the city to transfer powers, duties, and functions between departments, divisions or agencies of the city; and

WHEREAS, in order to make safer the residents of the city, to promote efficiency and save taxpayer dollars, and to remove unnecessary bureaucracy the department of public safety is terminated; and

WHEREAS, in order to promote better transparency and clear accountability in the area of public safety, the powers, duties, functions, and obligations of the department of public safety and the director of public safety with respect to the police division of the department of public safety under IC 36-3-1-5.1 and the fire division are transferred to the mayor; and

WHEREAS, the mayor shall serve as the public safety director for purposes of IC 36-3-1-5.1; and

WHEREAS, in order to place the city on the cutting-edge of modern, holistic approaches to public safety, crime prevention, and mental health and to address underlying systemic cause of crime, poverty and ill health, the office of public health and safety is hereby created; now, therefore:

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

SECTION 1. Title I, Chapter 251 of the "Revised Code of the Consolidated City and County" regarding

the department of public safety is hereby deleted in its entirety and ~~reserved.~~ replaced with the language to read as follows:

**Sec. 251-1. Elimination of the Department of Public Safety**

The department of public safety shall be eliminated and cease to exist effective January 1, 2017. Until then, the department shall exist for purposes of transferring staff and 2016 appropriations via Memoranda of Understanding to various departments and to the office of the mayor.

SECTION 2. Title I, Chapter 201 of the “Revised Code of the Consolidated City and County” regarding the mayor, 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. 201-1. Chief executive and administrative officer; duties generally.**

(a) The mayor is the chief executive and administrative officer of the city and the chief executive of Marion County. It shall be the duty of the mayor by state law to cause the provisions of this Code and other ordinances of the city and county to be executed and to see to their enforcement together with state law. The mayor shall supervise the work of the city's departments, its special taxing districts and special service districts and, in connection therewith, shall have the power to examine any records, make any investigations and require any report from any personnel.

(b) Unless otherwise specified by this code, the mayor shall assume the duties, obligations, and powers of the director of public safety and directly oversee the Indianapolis fire department, the Indianapolis metropolitan police department, and the office of public health and safety for purposes of IC 36-3-1-5.1.

(c) The mayor is authorized to execute contracts on behalf of the city, subject to and in accordance with applicable state and local law.

(d) The mayor is authorized to delegate to personnel of his office the authority to act on behalf of the mayor, subject to and in accordance with applicable state and local law.

(e) The mayor shall be the successor in interest to all contracts executed by the department of public safety or the director of public safety prior to the termination of the department of public safety.

**Sec. 201-5. Emergency powers and procedure for successor.**

(a) The mayor may, upon declaring a local disaster emergency (as this term is defined in Chapter 279 Division 8) and in compliance with IC 10-14-3, take such actions as are appropriate to assure the public well-being, safety of public and private property and the environment including, but not limited to, the imposition of travel bans on streets and highways; the imposition of curfews; the alteration of normal business working hours; the ordering of evacuation and relocation of civilian populations; all as may be necessary to effect emergency response and recovery.

(b) The mayor shall, via executive order, designate a line of successors to establish which government officials may act in his or her place whenever:

(1) Under IC 36-3-3-3, the mayor is incapacitated and unable to make a designation and the president of the city-county council, as determined by the rules of succession established by the council, is incapacitated to the extent that he or she is unable to perform the duties as acting mayor; or

(2) The office of mayor becomes vacant and the chief deputy mayor is unable to assume the duties of that office as provided in IC 3-13-11.

SECTION 3. Title I, Chapter 202 of the “Revised Code of the Consolidated City and County” regarding the mayor’s office, hereby is amended by the addition of a NEW Article VII, Division 1 creating the office of public health and safety, to read as follows:

**Sec. 202-711. Office of public health and safety created; duties and divisions.**

There is hereby created the office of public health and safety for the city as authorized by IC ~~36-3-5-4~~ 36-3-4-23. The office shall exercise those powers and duties granted by statute, this code, or as designated by the mayor, to discharge its responsibilities to provide for public safety communications systems, emergency medical services, administration of the Reuben engagement center, oversight of offender re-entry services, and to operate any other division or function of this office as the mayor from time to time may designate by executive order.

The office shall be comprised of the divisions of:

- (1) Public safety communications;
- (2) Indianapolis emergency medical services;
- (3) Reuben engagement center; and
- (4) Re-entry services, and
- (5) Public health and safety administration.

**Sec. 202-712. Appointment of the director; powers and duties.**

The administration of the office shall be under the control of the director, who shall be appointed by the mayor after consultation with the sheriff and be subject to city-county council confirmation. The director shall serve at the pleasure of the mayor. The director shall have prior service with a local, federal or state law enforcement agency, emergency management agency, emergency medical services agency, or fire department, have had command or supervisory experience, have received a four-year degree from an accredited institution of higher education and have demonstrated an interest in safeguarding the citizens and property of the consolidated city. The director shall hold no other lucrative elective or appointive office in city, county or state government during the director's term of office. The director of the office shall advise the mayor on matters of health and public safety and exercise control of all matters, personnel, and property relating to and connected with the office and its divisions, including the authority to:

- (1) Oversee, supervise and coordinate the activities and operations of the divisions within this office;
- (2) Appoint a chief of the division of public safety communications, and administrators for the Reuben engagement center and the division of re-entry services;
- (3) With respect to Indianapolis emergency medical services, the director shall oversee the division, as provided in section 202-731 of this chapter or otherwise provided by law or agreement; and
- (4) With respect to public safety communications, the director shall be responsible for financing, purchasing, contracting for, acquiring, leasing, constructing, equipping, erecting, upgrading, and installing a public safety communications system and computer facilities for all participating public safety and public service agencies in the public safety communications and computer facilities district established under IC 36-8-15-7.
- (5) Execute contracts subject to the authority of the mayor and any other limitations prescribed by law;
- (6) Prepare and submit the office's budget to the controller; and
- (7) Delegate to the personnel of the office the authority to act on behalf of the director.

**Sec. 202-713. Board of the office of public health and safety.**

(a) Established. There is hereby established a board of the office of public health and safety pursuant to ~~IC 36-3-5-6~~ and IC 36-3-4-23; and concurrent and therewith is also established pursuant to IC 36-8-15-2 with respect to public safety communications and computer facilities as these terms are described in IC 36-8-15.

(b) Members. The board shall be composed of five (5) members; the director of the office of health and safety who serves as presiding member of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one-year term and until his or her successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term. The members of the board of public safety as of April 11, 2016 as appointed by the mayor and city-county council respectively shall be the initial members of the board until December 31, 2016 or until successor or other members are appointed in accordance with this section.

(c) Meetings. The board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by two-fifths (2/5) of the members, at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice that must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours' notice of the meeting. The notice requirements may be waived as to a member if he or she attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

(d) Board action. A majority of all the members of the board constitutes a quorum. A majority vote of all the board members is required to pass a resolution.

(e) Powers. The board shall have the following powers in regard to the office of public health and safety and the city's police and fire departments.

- (1) To review all budgets prepared by the office of public health and safety and the city police and fire departments make recommendations, to those directors, that as to any revisions the board feels desirable;
- (2) To approve the award and amendment of contracts let by the office of public health and safety and the city police and fire departments for the purchase or lease of capital equipment or other property where the contract is required to be bid under IC 5-22;
- (3) To approve the award and amendment of public construction contracts let by the office of public health and safety and the city police and fire departments that are required to be bid under IC 36-1-12;
- (4) To approve the acquisition of and leases for real estate by the office of public health and safety and the city police and fire departments;
- (5) To approve the employment of persons engaged by the office of public health and safety and the city police and fire departments by contract to render professional or consulting services;
- (6) To approve the disposal of property by the office of public health and safety and the city police and fire departments as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment;
- (7) To make recommendations and suggestions the regarding the fiscal policy and management of the office of public health and safety and the city police and fire departments; and
- (8) With respect to the public safety communications system, and computer facilities:
  - a. To have, in accordance with IC 36-8-15, the authority to finance, purchase, contract for, acquire, lease, construct, equip, erect, upgrade, install and maintain public safety

communications and computer facilities for the public safety agencies that are subject to budget review by the city-county council;

- b. to ensure that any public safety agency of a political subdivision located within Marion County shall be entitled to receive any such services and/or equipment provided to it upon the request of such public safety agency at a cost to the requesting public safety agency no greater than the cost charged to provide said equipment or services to a public safety agency who is subject to budget review by the city-county council;
- c. To approve interlocal cooperation agreements with other political subdivisions for the financing, purchase, acquisition, lease, construction, equipping, erection, upgrade and installation and public safety communications and computer facilities for public safety agencies that are not subject to budget review by the city-county council;
- d. To coordinate all activities necessary to ensure compatibility of all public safety communications and computer systems within the public safety communications and computer facilities district established under IC 36-8-15-7; and
- e. To exercise such other powers and perform such other duties as are granted to the city and the county under IC 36-8-15 with respect to the implementation, financing, operation and maintenance of the public safety communications system and computer facilities; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected officials;

provided that no bond to finance the purchase or lease of public safety communications systems or computer facilities equipment or the making of payments to a service provider under a contract for enhanced public safety communications systems or computer facilities shall be valid unless the council has first approved such bond; and

(9) Any other powers granted to the board by law or by the mayor or the city-county council.

SECTION 4. Title I, Chapter 202 of the "Revised Code of the Consolidated City and County" regarding the mayor's office, hereby is amended by the addition of a NEW Article VII, Division 2 "Division of public safety communications", to read as follows:

**Sec. 202-721. Purpose and authority.**

(a) With respect to public safety communications, pursuant to IC 36-8-15-7, a public safety communications systems and computer facilities district is created in the county as a special taxing district of the consolidated city. The territory of the district includes the entire county. The purpose of the district is as stated in IC 36-8-15-8

(b) As used in this chapter, public safety communications system has the same definition as in IC 36-8-15-3, and computer facilities means computer hardware and computer software, and all related equipment, apparatus, devices and instrumentalities necessary for the proper operation of the public safety communications system within the public safety communications and computer facilities district established under IC 36-8-15-7.

(c) The division of public safety communications shall be responsible for operating public safety communications system and computer facilities, as defined by IC 36-8-15, for all participating public safety and public service agencies in the district.

**Sec. 202-722. Chief of public safety communications; duties.**

(a) The director of the office of public health and safety shall appoint a chief of public safety communications who serves at the pleasure of the director.

(b) The chief shall manage the division; its personnel, activities and operations to fulfill its duties required by law; receive and review with comment and recommendation all reports, requests and documents on public safety communications operations in the county; and to coordinate with participating

governments and agencies all activities necessary to ensure compatibility of the public safety communications systems and computer facilities.

**Sec. 202-724. Emergency communications advisory commission.**

(a) The emergency communications advisory commission hereby is established pursuant to IC 36-3-4-23.

(b) The commission shall consist of the following members:

- (1) The director of the office of public health and safety or the director's designee;
- (2) The county sheriff or the sheriff's designee;
- (3) The Executive Director of the Health and Hospital Corporation of Marion County or the executive director's designee;
- (4) A member of a Township Fire Department, who shall be elected by majority vote at a meeting of elected Township Trustees; and
- (5) A member of an excluded city law enforcement agency, who shall be appointed by majority vote at a meeting of the Mayors of Lawrence, Beech Grove and Southport and the President of the Town Council of the Town of Speedway;
- (6) A member of an excluded city fire department agency, who shall be appointed by majority vote at a meeting of the Mayors of Lawrence, Beech Grove and Southport and the President of the Town Council of the Town of Speedway;
- (7) A member of a school corporation or institution of higher education public safety's law enforcement or emergency management system appointed by the City-County Council President;
- (8) A member appointed by the Board of the Indianapolis Airport Authority to represent public safety; and
- (9) A member of an included city or town law enforcement agency appointed by the City-County Council President.

All persons shall serve one-year terms and may be appointed for successive terms. A member shall serve until his or her successor is appointed and qualified. Commission members appointed pursuant to paragraphs (5) and (6) shall not be members for departments of the same excluded city at any given time.

**Sec. 202-725. Organization and operation.**

(a) The director of the office of public health and safety or the director's designee shall serve as the chairperson of the commission.

(b) The commission shall meet at least six times each calendar year or at such times as necessary and upon the call of the chairperson. The commission is a public agency as that term is defined by IC 5-14-1.5-2, and its meetings shall be open, subject to the provisions of IC 5-14-1.5. A majority of the members of the commission constitutes a quorum for a meeting.

**Sec. 202-726. Duties.**

(a) The commission shall provide input to the chief of public safety communications regarding the city's public safety communications system and computer facilities.

(b) The commission shall hear all rate cases for services provided by the division of public safety communications to be established for customers and forward recommendations to the city-county council for final approval.

(c) The fee per unit of equipment for those authorized by the commission and approved by the department of public safety shall be twelve dollars and eighty cents (\$12.80) on the public safety communications system. This set fee shall remain in effect for at least a period of two (2) years upon adoption of this chapter. Future fee structures shall be approved in accordance with this chapter.

(d) The commission will hear all requests for access to the public safety communications systems, with the exception of those defined in section 202-713(e)(8)b, and make a recommendation for approval to the chief of public safety communications.

(e) The commission may review interlocal agreements for purpose of comment subject to the board of public safety's approval in section 202-713(e)(8)b.

(f) The commission may recommend a lower use fee structure for equipment on the system for consideration in the sharing of another user's infrastructure, capital equipment and/or services to be rendered through an inter-local agreement with the office of public health and safety, approved by the board of public health and safety.

SECTION 5. Title I, Chapter 202 of the "Revised Code of the Consolidated City and County" regarding the mayor's office, hereby is amended by the addition of a NEW Article VII, Division 3 "Indianapolis Emergency Medical Services Division", to read as follows:

**Sec. 202-731. Definition; purpose.**

(a) As used in this article, IEMS means the Indianapolis Emergency Medical Services Division.

(b) ~~The Subject to an interlocal agreement, the~~ IEMS shall be responsible for providing transport emergency medical services pursuant to IC 36-3-1-6.2 throughout the fire special service district as defined in section 111-3 of this Code, and in those areas in which the Indianapolis Fire Department has contracted to provide transport emergency medical services.

**Sec. 202-732. Chief; qualifications and appointment.**

(a) The IEMS shall be administered by a chief who is ~~nominated by the Indiana University School of Medicine, Department of Emergency Medicine,~~ approved by both the Health and Hospital Corporation of Marion County and the office of public health and safety, and formally appointed by the mayor. ~~The IEMS chief will be a physician, board certified in emergency medicine and fellowship trained in emergency medical services, and an employee and faculty member of Indiana University School of Medicine, Department of Emergency Medicine.~~

(b) The IEMS chief will be appointed for a term of four (4) years, renewable without limitation. The IEMS chief may be removed, with or without cause, upon the agreement of the Health and Hospital Corporation of Marion County and the mayor. Either the Health and Hospital Corporation of Marion County or the office of public health and safety shall give the other party prompt notice, and when reasonably possible at least thirty (30) days prior notice, of a proposed change of the IEMS chief.

**Sec. 202-733. Chief; responsibilities generally.**

The ~~Health and Hospital Corporation of Marion County acting through the~~ IEMS Chief shall have full administrative responsibility for the IEMS including operations, patient care, quality and performance improvement, continuing education, personnel and budget recommendations to the IEMS steering committee. The IEMS chief shall

~~(1) R~~ report to the director of office of public health and safety for municipal daily operations logistical purposes related to overall deployment of IEMS services and responsibilities of IEMS services; and

~~(2) Report to the Health and Hospital Corporation of Marion County for matters involving or related to the provision of patient care.~~

**Sec. 202-734. Steering committee.**

(a) The IEMS steering committee is established and shall be comprised of four (4) members as follows:

- (1) Two (2) members shall be selected by the office of public health and safety; and
- (2) Two (2) members shall be selected by the executive director of the Health and Hospital Corporation of Marion County.

(b) Steering committee members shall serve at the pleasure of the appointing authority, and without compensation. The steering committee annually shall select one of its members to act as chairperson, and shall meet upon the call of the chairperson as frequently as needed.

(c) The steering committee will provide oversight and direction to the IEMS.

**Sec. 202-735. Automated external defibrillators.**

(a) *Definitions.* For purposes of this section, the following terms shall have the following meanings:

*Automated external defibrillator (or "AED")* means a medical device, approved by the United States food and drug administration, that:

- (1) Is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia;
- (2) Is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient;
- (3) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and
- (4) Upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

*Owner or operator* means the owner, manager, operator, or other person or persons having control of a public place.

*Public place* means the publicly accessible areas of the following places to which the public is invited or permitted:

- (1) Public buildings maintained by any office, department or agency of the Consolidated City of Indianapolis and Marion County;
- (2) All parks under the jurisdiction of the department of parks and recreation that have facilities where an AED can be secured with access by staff; and
- (3) All sports and recreational facilities under the jurisdiction of the department of parks and recreation that have facilities where an AED can be secured with access by staff.

(b) An owner or operator of a public place shall do the following in order to meet this code's AED requirements for public places:

- (1) Ensure that an AED is located on the premises and is easily accessible to staff and emergency response teams;



- (2) Employ at least one individual who has satisfactorily completed a course consistent with the most current national guidelines for, and is currently certified in, cardiopulmonary resuscitation and AED use;
- (3) Post a sign at each public entrance that indicates the location of the AED;
- (4) Ensure compliance with the requirements of IC 16-31-6.5; and
- (5) Notify IEMS of the location of the AED.

(c) A person is immune from civil liability for acts or omissions involving the use or failure to use an AED located on the premises of a public place as provided under IC 34-30-12-1.

SECTION 6. Title I, Chapter 202 of the "Revised Code of the Consolidated City and County" regarding the mayor's office, hereby is amended by the addition of a NEW Article VII, Division 4 Reuben Engagement Center, to read as follows:

**Sec. 202-741. Facility.**

The "Albert G. and Sara I. Reuben Engagement Center" is hereby established, initially to be located at 742 East Market Street in Indianapolis; provided further, that any facility operated by the city which fulfills the purpose and provides the services contemplated by this article shall be called the Reuben Engagement Center in perpetuity.

**Sec. 202-742. Purpose.**

(a) The engagement center will provide a safe location for persons eighteen (18) years of age and over experiencing homelessness who are unable to gain access to emergency shelter options due to active substance abuse, including both drug and alcohol, and mental health diagnosis. The engagement center will provide a place to recover from temporary intoxication and an opportunity to engage in resource referral.

(b) Persons are not required to have involvement or interaction with law enforcement prior to using the services of the engagement center.

(c) Eligible arrestees may use the services of the engagement center if the Marion County Sheriff's Office and the Marion County Prosecutor's Office determine that the arrestee meets appropriate protocols.

(d) The initial capacity of the engagement center will be thirty (30) beds.

**Sec. 202-743. Organization.**

(a) The director of the office of public health and safety shall appoint an administrator who will be responsible for the day-to-day operations of the engagement center.

(b) The director may also appoint or employ such other persons as the director deems necessary or desirable.

(c) Contracts for such services as may be necessary or desirable in the operation of the engagement center shall be entered into by the office of public health and safety.

**Sec. 202-744. Advisory Board.**

The Reuben Engagement Center advisory board is hereby established to help identify the barriers and gaps in serving those experiencing homelessness in the city and struggling with mental health, homelessness, and chronic substance abuse that includes both drug and alcohol. The board will use evidence-based research to suggest alternatives and recommend solutions to the identified gaps and barriers, and to educate the Reuben Engagement Center staff and policy makers regarding research findings and recommendations.

**Sec. 202-745. Board membership.**

(a) The board shall be composed of thirteen (13) voting members who are residents of Marion County, and are actively working with those experiencing homelessness, and have an interest in and knowledge of the barriers and needs of those experiencing homelessness in the city, and who are chosen as follows:

- (1) A representative from the Marion County Sheriff's Office, to be appointed by the sheriff;
- (2) A representative from the Marion County Prosecutor's Office, to be appointed by the prosecutor;
- (3) A representative from the Marion Superior Court, to be appointed by the executive committee of the court;
- (4) A military veteran, to be appointed by the mayor;
- (5) A representative from the faith-based community, to be appointed by the mayor;
- (6) A representative from the Estate of Albert and Sara Reuben Trust, to be appointed initially by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (7) Two (2) professional service providers, one (1) of whom to be appointed by the mayor, and one (1) of whom to be initially appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (8) A mental health professional, representing the Midtown Mental Health Center, to be appointed by the mayor;
- (9) A substance abuse/addiction professional, to be initially appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (10) A representative from the Indianapolis Emergency Medical Services Division, to be appointed by the mayor;
- (11) A medical health professional, to be initially appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council; and
- (12) A person who is experiencing or has recently experienced homelessness, to be appointed by a majority vote of the other twelve (12) board members.

In addition to the thirteen (13) voting members, the administrator of the engagement center shall be an ex-officio, non-voting member of the board; provided, however, that the administrator may vote if the administrator's vote is necessary to break a tie.

(b) Each engagement center board member shall serve at the pleasure of the appointing authority for a term ending December 31 following appointment and until a successor is appointed. A member may be reappointed for successive terms.

(c) If any engagement center board member dies, resigns, vacates office or is removed from office, a new member shall be appointed to fill the vacancy in the same manner as the member in respect to whom the vacancy occurs was appointed.

(d) Any engagement center board member who fails to attend three (3) consecutive regular meetings of the engagement center board shall be treated as if he or she had resigned, unless sufficient written justification is submitted to and approved by the appointing authority. The administrator shall inform the appointing authority in writing of such board member's failure to attend three (3) consecutive regular meetings.

**Sec. 202-746. Officers, quorum, meetings.**

(a) The voting members of the board shall select a chair and a vice-chair. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all of the communications, including but not limited to meeting notices, will be supplied by the department of public safety. All official action of the board shall be in writing and be executed by the board upon being authorized by motion passed by the engagement center board by simple majority of its members present.

(b) A quorum of the board for official action in session shall be seven (7) of the thirteen (13) voting members. Official minutes of meetings shall be kept by the secretary.

(c) The board shall meet at least every month, or on special call of the chair, or upon written request of any seven (7) members.

**Sec. 202-747. Powers and duties of the board.**

The board shall have the following powers and duties:

- (1) To draft and adopt the mission statement;
- (2) To adopt policies and procedures to ensure that the goals identified in the mission statement are fulfilled;
- (3) To receive and review monthly reports from the administrator concerning the number of individuals served; the length of stay in the engagement center; the services offered and received; the reasons why the persons came to the engagement center; the status of programs designed to implement the engagement center's mission statement, fiscal operation and budgetary needs; and such other information as the board may from time to time request;
- (4) To make recommendations to the director and the council concerning how the services and programs offered by the engagement center should be modified; and
- (5) To submit to the council, the mayor and the director annual reports of its activities and operations.

SECTION 7. Section 102-14 of the "Revised Code of the Consolidated City and County" 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. 102-14. Police.**

~~Police, or city police, or county police,~~ Police, IMPD, city police, or county police means the Indianapolis Metropolitan Police Department established in Chapter 279 of the Code, or a law enforcement officer who is a member of that agency department.

SECTION 8. Section 135-521 of the "Revised Code of the Consolidated City and County" 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. 135-521. Public Safety Communications General Fund.**

(a) There is hereby created a special nonreverting fund to be designated as the "Public Safety Communications General Fund". With the exception of the revenues derived from the levy of taxes imposed under the authority of IC 36-8-15-19, the auditor shall deposit into such fund all moneys received by or credited to the ~~department of public safety~~ office of public health and safety in the performance of its functions and duties with respect to public safety communications, and other moneys duly appropriated during each year, as approved by the city-county council, and as provided by law.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted directly or indirectly in any manner other than set forth in subsection (c).

(c) Moneys in the Public Safety Communications General Fund may be used for expenses incurred in carrying out the functions and duties of the ~~department of public safety~~ office of public health and safety in the performance of its functions and duties with respect to public safety communications.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

SECTION 9. Section 181-105 of the "Revised Code of the Consolidated City and County" 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. 181-105. Vehicle use; restrictions.**

(a) Public safety officers notwithstanding, no employee shall use vehicles owned or leased by the city or county for personal purposes, and use of such vehicles shall be in accordance with the policies established in the "City of Indianapolis-Marion County Fleet Policies and Procedures" manual or its equivalent.

(b) With the permission of the director of public works or elected official, city/county employees who are on call outside of regular work hours may be allowed to receive take-home vehicles. The use of take-home vehicles shall be strictly limited to commuting to and from work. In order to receive a take-home vehicle, it must be contemplated that an employee will drive a minimum of ten thousand (10,000) miles annually.

(c) Any emergency services employee of the city or county authorized use of a qualified non-personal use vehicle as a working condition benefit in accordance with the Internal Revenue Service guidelines and by this section or by Section 279-227, eligibility for take-home car, of this Code shall be charged an annual fuel charge in an amount fixed by a fuel board. Said fuel board shall consist of the director of public works, whom will be chair, director of the office of public health and safety, the Chief of the Indianapolis Metropolitan Police Department, the sheriff, the city controller and representatives of the FOP and Indianapolis Professional Firefighters Union Local 416 ~~each~~. Annual fuel charge shall be approved by the public works committee of the city-county council. The amount so determined shall be deducted from the employee's salary at the rate of 1/26 bi-weekly and the amounts so withheld shall be used only for the purchase of automobile fuel. The amount of the surcharge shall be annually reviewed and fixed at the time of consideration and adoption of the annual budgets of the affected departments, offices and agencies. In lieu of paying the surcharge, any employee may opt not to have a take-home vehicle. This fuel board shall make a recommendation of fuel surcharge to the public works committee of the city-council council by December 1 annually.

(d) Each city department and county agency shall file a list of employees authorized to receive take-home vehicles in the office of the director of the department of public works, and each city department and county agency shall maintain and file updated lists as changes are made. The list of authorized employees shall include the employee's name, the make and model of the take-home vehicle assigned to the employee, and the take-home vehicle's odometer reading (taken at the last vehicle transaction activity on or before May 31). The director of the department of public works shall file with the council a copy of the list of authorized employees with take-home vehicles on or before May 31 of each year.

SECTION 10. Section 182-4 of the "Revised Code of the Consolidated City and County" 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. 182-4. Same - Preparation.**

The directors of the departments of ~~public safety~~, parks and recreation, ~~and~~ public works, police and fire and the city controller shall be jointly responsible for the preparation of the capital improvement program.

(1) The ~~director of the department of public safety~~ chief of IMPD shall be responsible for the preparation of the portion of the capital improvement program relating to police ~~and fire~~ stations.

(2) The chief of the fire department shall be responsible for the preparation of the portion of the capital improvement program relating to fire stations.

~~(2)~~(3) The director of the department of public works shall be responsible for:

- a. The preparation of the portion of the capital improvement program relating to facilities for the collection, transportation, transfer and disposal of solid waste, roads, streets, bridges and other public ways, sanitary and stormwater systems, drains, levees and flood control projects; and
- b. The assimilation of all portions of the capital improvement program into a single cohesive document.

~~(3)~~(4) The director of the department of parks and recreation shall be responsible for the preparation of the portion of the capital improvement program relating to park and recreational facilities, including greenways.

~~(4)~~(5) The city controller shall be responsible for identifying the appropriate revenue sources from which the capital improvement program is to be financed, and shall make recommendations concerning the issuance of bonds or other obligations, the implementation of any user fee systems, and the appropriate rate of taxation for the cumulative capital development funds, property tax levies and other local taxes.

SECTION 11. Section 283-222 of the "Revised Code of the Consolidated City and County" 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.**

(a) The CJPC shall be composed of eleven (11) executive committee members and eighteen (18) advisory members. The executive committee members are:

- (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 chairperson of the city-county council public safety committee;
- (8) A member of Indianapolis-Marion County City-County Council appointed by its minority leader;
- (9) The president of the city-county council;
- (10) The chief public defender; and
- (11) The public safety director of the office of public health and safety.

(b) The advisory members are:

- (1) The Chief of the Indianapolis Metropolitan Police Department;
- (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 chairperson 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 chief of public safety communications;
- (15) The judge serving as chairperson of the Criminal Divisions of the Marion Superior Court;
- (16) A member of the Indianapolis or Marion County Bar Association appointed by the mayor;
- (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 12. Section 283-507 of the "Revised Code of the Consolidated City and County" 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. 283-507. Funding.**

(a) Upon receiving each revised or updated plan, EIPC shall propose to the city-county council a budget for EIPC.

(b) Each year on or before June 30, EIPC shall submit to the city-county council a proposed annual budget for the next calendar year to be included in the annual budget for the city and county. Funding for EIPC shall include:

- (1) Funds appropriated by the city-county council from a city or county fund,
- (2) State funds,
- (3) Federal funds, and
- (4) Any other funds through donations or gifts.

(c) The budget for EIPC shall be included as part of the budget for the ~~department of public safety, administered by the director of public safety~~ office of public health and safety.

(d) If the budget authorizes contractual expenditures to provide services contemplated by the plan, the ~~chief fiscal officer of the department of public safety~~ director of the office of public health and safety shall serve as contract administrator.

(e) If the budget authorizes third-party grants for provision of services contemplated by the plan, such grants shall be subject to the provisions of ordinances applying to public service grants.

SECTION 13. Section 293-213 of the "Revised Code of the Consolidated City and County" 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. 293-213. Use of city or county property.**

An official, appointee, or employee shall not use city or county property or personnel for any purpose other than for official city or county business; however, nothing in this ethics code shall prohibit the sheriff the chief of the fire department of the chief of IMPD from allowing their employees to use take-home vehicles. Pursuant to this section, the office of corporation counsel shall adopt a de minimis personal use policy for the city and county.

SECTION 14 Section 451-2 of the "Revised Code of the Consolidated City and County" 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. 451-2. Firearms generally.**

(a) Within the police special service district, it shall be unlawful for any person to fire off, shoot at another person or otherwise use any dangerous weapon for any purpose other than in defense of his life or the life of another person, or the protection of his property or property entrusted to him by another person, or for practice at a range under the supervision and operation of a governmental entity, or without the prior written approval of the ~~department of public safety~~ chief of IMPD.

(b) This section shall not apply to the United States Army, Navy or other armed forces, the National Guard, or to any duly constituted and authorized law enforcement and peace officer of any governmental unit, or to manufacturers and to repair facilities for testing purposes within a private range.

SECTION 15. Chapter 621 of the "Revised Code of the Consolidated City and County" 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. 621-104. Authority ~~of directors of public safety and public works~~ to modify this article in an emergency.**

Whenever any provision of this Code or other ordinance of the city shall designate and specify that it shall be unlawful for the owner, driver or operator of any vehicle to park or stop such vehicle, or to permit the vehicle to be parked or to stand upon any designated and specific streets or portions of streets within designated or specified times, the directors of the departments of ~~public safety and public works~~, the chief of the Indianapolis Fire Department, and the chief of the Indianapolis Metropolitan Police Department deeming an emergency to exist, shall declare the emergency and shall jointly modify, change and amend the specified hours and times to which the restriction of the provision of this Code or other ordinance shall apply; and shall cause signs giving notice of the hours and times designated and specified by such order to be placed and maintained upon and along such streets and portions of streets by the department of public works. No such regulation or order shall be effective unless such signs are in place upon and along the streets and/or portions of streets so specified and designated.

**Sec. 621-303. Priority routes designated.**

It shall be the responsibility of the board of public works to designate which roads, streets and thoroughfares shall have which specific priority designation. The board of public works shall work with the ~~department of public safety~~ IMPD in order that the city might best facilitate the removal of snow from the roadways and determine which roads shall have priority.

SECTION 16. Chapter 811 of the "Revised Code of the Consolidated City and County" 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. 811-111. Purpose.**

(a) It is hereby declared to be the purpose of this chapter to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the city's commitment of law enforcement resources required to answer these false alarms.

(b) In furtherance of this purpose and in addition to the other duties and responsibilities listed in this chapter, the ~~department of public safety~~ IMPD from time to time shall consult with representatives of the community, the alarm industry, and law enforcement agencies to evaluate and improve the effectiveness of false alarm reduction efforts.

**Sec. 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~~ chief of IMPD 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, or for fire detection, which when activated causes notification to be made directly or indirectly to the department of public safety.

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 department of public safety 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 response by police or fire personnel when the situation does not require police or fire 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.

**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 ~~department of public safety~~ IMPD 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 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 agency if it is able to contact such other person. This section does not apply to automatic fire alarm systems, which must comply with section 811-703.

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

**Sec. 811-312. Prolonged externally sounding alarms prohibited.**

It shall be unlawful for an alarm system located in the city not to have an automatic reset system which silences the externally sounding alarm within fifteen (15) minutes after activation. For the purposes of this section, alarm system includes systems that, when activated, do not cause notification to be made directly or indirectly to the ~~department of public safety~~ IMPD.

**Sec. 811-501. Citations issued by the department of code enforcement and by the ~~department of public safety~~ police.**

Citations for failing to obtain an alarm business license under Section 811-211 shall be issued by the department of code enforcement or its designee. Citations for violating other provisions of this chapter shall be issued by the ~~department of public safety~~ IMPD or its designee.

SECTION 17. Chapter 895 of the "Revised Code of the Consolidated City and County" 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. 895-4. Restrictions on hours of operation, and streets.**

(a) It shall be unlawful for a person to operate a horse-drawn carriage upon any public street in the city between the hours of 6:00 a.m. and 9:00 a.m., or 3:00 p.m. and 6:00 p.m., except on Saturdays, Sundays and city holidays.

(b) The license administrator shall consult with the directors of the ~~city~~ departments of public works and ~~public safety~~ the chief of IMPD with respect to which public streets would be unsafe or inappropriate for use by horse-drawn carriages. Upon a finding that the operation of a horse-drawn carriage would present a hazard to the public safety on certain city streets or ways or would otherwise jeopardize the public welfare, the license administrator shall by regulation prohibit the operation of horse-drawn carriages upon those streets.

(c) The operation of horse-drawn carriages upon any public street and at any time may be prohibited by the ~~director of the city department of public safety~~ IMPD when such operation would be inconsistent with other special events or public safety requirements, by giving forty-eight (48) hours' advance written notice of such prohibition.

**Sec. 895-5. Designation of holding areas.**

(a) The ~~director of the department of public safety~~ chief of IMPD, upon consultation with the director of the department of public works, may from time to time designate certain areas of the public right-of-way

as holding areas for horse-drawn carriages, and the days and hours when such holding areas may be used exclusively by horse-drawn carriages. Such designations shall be made in consideration of the following:

- (1) Public safety issues, including the flow of pedestrian and motor vehicle traffic;
- (2) The suitability of such areas as places for horse-drawn carriages to pick up or discharge passengers, or to stop or stand when not carrying passengers; and
- (3) The reasonable interests of adjacent residents and businesses.

(b) The department of public works shall cause appropriate signs to be placed at each end of holding areas designated under this section, indicating the days and hours when such holding areas may be used exclusively by horse-drawn carriages. When such signs are posted, it shall be unlawful for a person to park, stop or leave standing a motor vehicle in such a holding area.

(c) No more than one (1) carriage owned or operated by the same registrant may stop or stand at the same time in a holding area designated under this section.

SECTION 18. Section 903-108 of the "Revised Code of the Consolidated City and County" 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. 903-108. Manner of operation.**

- (a) A pedal cab shall not be operated on a sidewalk.
- (b) A pedal cab operator shall not solicit patronage in a loud tone of voice or in any manner so as to annoy or obstruct the movement of a person, nor shall an operator follow a person for the purpose of soliciting patronage.
- (c) A pedal cab operator shall not at anytime pick up or discharge passengers in the roadway unless the pedal cab and passengers are in the curb lane and shall not pick up or discharge passengers any where in a roadway between 6:00 a.m. and 9:00 a.m. and between 3:00 p.m. and 6:00 p.m.
- (d) Occupancy of a pedal cab shall not exceed the rated seating capacity of the vehicle.
- (e) A pedal cab operator shall not allow a passenger to ride on any part of the pedal cab other than by sitting on the seats or platforms designed for such purpose.
- (f) Operators are prohibited from smoking while carrying passengers.
- (g) Each operator shall carry an identification card or be wearing some type of visible identification at all time when operating a pedal cab.
- (h) Operators shall carry rate cards and exhibit them on demand. Rate cards shall also be affixed to the pedal cab in a prominent location so as to advise prospective clientele of the rates and fares. Rate cards shall bear the name and business address of the registrant, and a complete schedule of rates and fares, which shall be the same as those on file with the license administrator. Registrants shall give the license administrator written notice at least ten (10) days prior to any change in the rates and fares.
- (i) A pedal cab shall not be operated with an attached trailer, or be used to tow another vehicle of any type.
- (j) The operation of pedal cabs upon any public street and at any time may be prohibited by the ~~director of the city department of public safety~~ IMPD when such operation would be inconsistent with

other special events or public safety requirements, by giving forty-eight (48) hours' advance written notice of such prohibition.

(k) A pedal cab operator shall obey all applicable state and local traffic and parking laws, ordinances and regulations.

(l) It shall be unlawful for a person to operate a pedal cab in violation of the provisions of this section.

SECTION 19. Chapter 279, Article I of the "Revised Code of the Consolidated City and County" regarding IMPD, 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. 279-102. Establishment and jurisdiction.**

(a) The Indianapolis Metropolitan Police Department is established effective January 1, 2006 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. The department constitutes: the legal successor-in-interest to both the Indianapolis Police Department and the county police force of the sheriff's department.

~~(1) The legal successor in interest to both the Indianapolis Police Department and the county police force of the sheriff's department; and~~

~~(2) The police division of the city department of public safety.~~

(b) The department shall provide law enforcement services for the consolidated city effective January 1, 2007, and may provide law enforcement services in an excluded city as provided in IC 36-1-7.

**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 Indianapolis Metropolitan Police Department under this chapter.

(b) For purposes of this chapter, whenever a certain length of service with the department is required for a particular appointment, a member of the department 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 department.

(c) As provided in IC 36-3-1-5.1, a member whose employment transfers to the department 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 department for purposes of determining the member's eligibility for benefits.

(d) With respect to agreements with labor organizations, the department 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 department under this section.

~~(e) Members of the department 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 department 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 department higher than their permanent rank during such temporary assignment.~~

~~(f) The chief, with the approval of the director of the department of public safety, shall endeavor to assign and maintain members of the department 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 department, including disciplinary board of captains appointments provided in subsection 279-237(j), through December 31, 2010.~~

#### **Sec. 279-105. National accreditation.**

On or before March 31, 2018, the Indianapolis Metropolitan Police Department shall obtain department accreditation through the commission on accreditation for law enforcement agencies. The chief of the department and the director of the department of public safety shall be jointly responsible for obtaining such accreditation.

#### **Sec. 279-106. Compliant Complaint and commendation data base.**

On or before December 31, 2011, the Indianapolis Metropolitan Police Department shall create a publicly available and searchable database, including only the officers' name and rank, which shall include:

- (1) All complaints against police officers, including all:
  - a. Final dispositions where discipline is recommended from Internal Affairs;
  - b. Final dispositions where discipline is recommended from district level supervisor/citizen complaints;
  - c. Final dispositions where discipline is recommended from the citizen's police complaint board; and
  - d. Final dispositions where discipline is recommended from the merit board along with the police chief's recommendation for discipline.
- (2) All community or departmental awards, citations or honors bestowed upon any officer or employee of the department.

SECTION 20. Title I, Chapter 279, Article II, Division 2 of the "Revised Code of the Consolidated City and County" regarding IMPD, 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. 279-221. Appointment and qualifications of chief; powers and duties.**

~~(a) The Indianapolis Metropolitan Police Department shall be under the direction of a chief, who serves at the pleasure of the director of the department of public safety.~~

~~(b) The director of the department of public safety shall appoint the chief of the department, after consultation with the sheriff and subject to city county council confirmation. The chief shall serve at the pleasure of the public safety director. The chief, after consultation with the sheriff, shall appoint members to the rank of assistant chief, deputy chief, district deputy chief or equivalent positions, and shall present them in person to the sheriff and to the city county council's public safety and criminal justice committee annually.~~

(a) The mayor shall appoint the chief of the Indianapolis metropolitan police department, after consultation with the sheriff and subject to city-county council confirmation. The chief shall serve at the pleasure of the mayor and reports directly to the mayor.

(b) The chief, after consultation with the sheriff, shall appoint members to the rank of assistant chief, deputy chief, district deputy chief or equivalent positions, and shall present them in person to the sheriff and 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 department before the person's appointment as the chief of the department, upon the expiration of the person's term as chief, the board shall appoint the person to the permanent rank in the department 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 department 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 department, hiring and discipline as provided by the merit system, and day-to-day operations of the department. general authority over all matters, personnel and property relating to and connected with the department; unless otherwise restricted by law. This authority includes the following powers and duties:~~

- (1) To supervise and coordinate the department's activities, including but not limited to dividing the city into geographical areas for administrative and operational purposes;
- (2) To oversight of dispatch and communications to the extent these functions have not been reserved by law to a different unit of government;
- (3) To determine and implement procedures, policies, orders, rules or regulations by which operations are to be conducted;
- (4) To administer and oversee, with the mayor as provided in this code, the city's police merit system relating to appointment, transfer, discipline and removal of sworn employees pursuant to applicable rules, regulations, and laws in accordance with the established merit system;
- (5) To make general and special rules and regulations for the management and discipline of the department, to the extent such duties and powers are not granted to the police merit board;
- (6) To administer the hiring and discipline of civilian employees and make recommendations to the city's division of human resources regarding civilian employee compensation and benefits;
- (7) With approval of the mayor, to fix the number of members and employees of the department;
- (8) To set work schedules and require employees of the department to work overtime as warranted and permitted;
- (9) To initiate, prepare, submit and administer the department's budget in accordance with applicable law;
- (10) To purchase, rent or improve any real estate or personal property, subject to appropriations therefor by the city-county council and subject to the powers of the mayor and the board of public health and safety;

(11) To purchase or obtain necessary supplies, equipment, and services; subject to the authority of the board of the office of public safety and purchasing laws;

(12) To coordinate the activities of the various public safety agencies to work in conjunction with the director of the office of public health and safety, the chief of the fire department, sheriff or coroner of the county or and any other agency that can help with the safeguarding of citizens and property throughout the city;

(13) To temporarily appoint additional personnel on application of any person or corporation in response to any emergency, riot or insurrection as declared by the mayor, which persons the chief may remove at any time without hearing or notice or assigning any cause;

(14) To administer the oath or to take depositions of any persons summoned in any proceedings;

(15) To adopt rules regulating the giving of a bond of an appointee;

(16) To delegate to the personnel employed in the department authority to act in the chief's behalf as provided in IC 36-3-5-5(c);

(17) Serve as the co-applicant for a warrant or an extension of a warrant under IC 35-33.5-2;

(18) To take such actions as may be necessary and appropriate to accomplish accreditation of the police department as required by section 279-105 of the Code;

(19) To report biannually to the public safety and criminal justice committee of the council, which report shall include:

a. CALEA Accreditation status;

b. Number of employee civilian and sworn discipline cases investigated and disposition; and

c. Recommended reforms from the IMPD Training Academy; and;

(20) Any other powers that may be granted by law or the mayor.

~~(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. 279-223. Members' powers and duties.**

(a) Each member of the Indianapolis Metropolitan Police Department 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 and that are not reserved to the sheriff under [section 281-612](#) of the Code.

(b) The members of the department shall perform law enforcement duties as assigned by the chief ~~director of the department of public safety~~ or as required by law.

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

(a) ~~The expenses of the Indianapolis Metropolitan Police Department are a part of the department of public safety's budget.~~ The chief, with the approval of the ~~public safety director,~~ mayor, shall recommend the number and salary of the members of the department, but the city-county council shall finally determine the budget and salaries of the department.

(b) The consolidated city, and 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 department.

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

(a) The Indianapolis Metropolitan Police Department 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 director of the department of public safety,~~ shall be responsible for the hiring and supervision of all civilian employees of the department.

(b) All civilian employees of the department, 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 the department's rules and regulations.

**Sec. 279-227. Eligibility for take-home car.**

Eligibility to participate in the take-home car program shall be determined in compliance with established policy, as the same may be amended from time to time by the ~~director of the department of public safety~~ chief. Participation in ~~such the~~ take-home car program shall be subject to the fuel surcharge established under subsection [181-105\(c\)](#) of this Code.

SECTION 21. Title I, Chapter 279, Article II, Division 3 of the "Revised Code of the Consolidated City and County" regarding the IMPD merit 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. 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 mayor ~~director of the department of public safety~~;
- (2) For the first term of the board, one (1) member appointed by the metropolitan law enforcement consolidation transition authority;
- (3) For all subsequent terms of the board, one (1) member appointed by the city-county council; and
- (4) Two (2) members elected by a majority vote of the active members of the department.

(b) An active member of the department 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 ~~public safety director~~ mayor; or
- (2) One (1) of the members elected by the members of the department; 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 ~~public safety director~~ chief, in consultation with the mayor, and organize by electing a president and a secretary from among their membership.

(i) Four (4) 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 department.

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

(a) The civilian police merit board of the Indianapolis Metropolitan Police Department shall establish disciplinary policies for use in all disciplinary matters of the department. The merit board, in conjunction with the chief, subject to approval of the ~~director of the department of public safety~~ mayor, shall establish the rules and regulations for the department. All disciplinary charges shall be based on these rules and regulations.

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

(1) Written reprimand;

(2) Suspension without pay;

(3) Demotion; or

(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 department, 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 as provided in subsection (k) of this section. Pending determination by the merit board, the officer shall be placed on suspension without pay.

(5) Reinstatement with pay any officer who previously was suspended without pay. Provided, however, that the chief shall consult with the ~~director of the department of public safety~~ mayor regarding any discipline exceeding a ten-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.

- (1) The assistant chief, deputy chiefs and majors may issue a written reprimand or 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.
- (2) Captains may issue a written reprimand or suspend an officer for not more than three (3) working days without pay.
- (3) Lieutenants may issue a written reprimand or suspend an officer for not more than two (2) working days without pay.
- (4) Sergeants may issue a written reprimand or suspend an officer for one (1) working day without pay.

(f) Officers in non-merit appointed ranks who are classified by the department 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, the time and date of the hearing, and the officer's right to receive in advance of the hearing a copy of any witness statement or other document that will be considered at 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; however, if there are

criminal charges pending against the officer that arose from substantially the same conduct, circumstances, or subject matter that gave rise to the disciplinary action, then the merit board shall not conduct the hearing until after such criminal charges have been resolved at the trial level. 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~~ that 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 Indianapolis Metropolitan Police Department 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.

SECTION 22. Title I, Chapter 279, Article II, Division 5 of the "Revised Code of the Consolidated City and County" regarding the IMPD reserves, 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. 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 director of the department of public safety.~~

(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 ~~themselves~~ 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 unless authorized by the chief, ~~in consultation with the director of public safety.~~ Members of the reserves shall have the same police powers as regular members of the department pursuant to [section 279-223](#) of the Code, subject to such limitations as the chief may establish by adopting rules and regulations governing the same, ~~subject to the approval of the director of the department of public safety.~~

**Sec. 279-256. Termination procedure.**

Any member of the reserves may be terminated by the chief for any reason, ~~after consultation with the director of the department of public safety.~~

SECTION 23. Title I, Chapter 279, Article II, Division 6 of the "Revised Code of the Consolidated City and County" regarding the IMPD park rangers, 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. 279-262. Administration; uniform and insignia.**

(a) Members of the park rangers division shall be appointed by the chief. The administrative policies of the park rangers division, as well as the supervision, promotion, and discipline of members of the division, shall be established and administered by the chief or his or her designee by the adoption of rules and regulations governing the same.

(b) All manner of uniform, badge, insignia, equipment and other identifying characteristics of the park rangers division shall be designed and established by the chief, ~~subject to the approval of the director of the department of public safety.~~

**Sec. 279-263. Eligibility for appointment; application and examinations.**

(a) Any citizen of the United States who is a resident of the county and who is not younger than twenty-one (21) nor older than sixty-five (65) years of age shall be eligible to make application to become a member of the park rangers division. Applicants shall make application in the form and manner and undergo such physical and academic examinations and interviews as the chief shall require.

(b) Persons appointed to the park rangers division of the Indianapolis Metropolitan Police Department (IMPD) shall complete the IMPD Law Enforcement Training Board Academy, within one year of hiring and serve a probationary period specified by the chief, except those persons transferring to the park rangers division from a recognized police agency with a LETB Certification. Current officers appointed to the park rangers division prior to this section's passage into law shall be grandfathered at the discretion of the ~~public safety director~~ IMPD chief. Persons appointed in the park rangers division shall adhere to the annual in-service requirements under Indiana Administrative Code governed by the Indiana Law Enforcement Training Board.

**Sec. 279-264. Conferral of police powers.**

Members of the park rangers division shall have the same police powers as regular members of the metropolitan law enforcement agency pursuant to section 279-223 of the Code, subject to such limitations as the chief, in consultation with the mayor, may establish by adopting rules and regulations governing the same, ~~and further subject to the approval of the director of the department of public safety.~~

**Sec. 279-265. Qualifications; mandatory retirement age; termination procedure.**

(a) A member of the park rangers division may not be a member of any regular police force.

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

(c) Any member of the park rangers division may be terminated by the chief for any reason, ~~after consultation with the director of the department of public safety.~~

**Sec. 279-267. Park rangers division transferred to Indianapolis Metropolitan Police Department.**

Notwithstanding any provision of this division to the contrary, the provisions of this section shall govern the transfer of the park rangers division from the department of parks and recreation to the Indianapolis Metropolitan Police Department.

- (a~~1~~) The park rangers division of the department of parks and recreation shall, on the effective date of this ordinance, be transferred to the Indianapolis Metropolitan Police Department and shall constitute the park rangers division created under section 279-266 of this division, subject thereafter to all the rights and responsibilities provided in new Division 6 of Chapter 279, Article II of the Code.
- (b~~2~~) The members of the park rangers division of the department of parks and recreation shall, on the effective date of this division, cease to be employees of the department of parks and recreation and shall become employees of the Indianapolis Metropolitan Police Department as provided in section 279-266 of this division. Such members retain their law enforcement powers and their status as sworn officers throughout the process of the transfer of the park rangers division; therefore, such members shall not need to take an additional oath of office to perform their duties as employees of the Indianapolis Metropolitan Police Department.
- (e~~3~~) Such transferred members shall retain credit for all purposes for their length of service in the park rangers division prior to the transfer; however, no member shall be entitled to retain his or her appointed rank of corporal, sergeant, lieutenant, captain, or major. Members with one of these appointed ranks shall, on the effective date of this ordinance, serve at the pleasure of the ~~director of the department of public safety~~ chief, and may be reassigned to the rank of ranger without cause.
- (d~~4~~) The Indianapolis Metropolitan Police Department shall assume all labor agreements that are in effect on the effective date of this division with respect to such transferred members.

SECTION 24. Title I, Chapter 279, Article II of the "Revised Code of the Consolidated City and County" regarding the Indianapolis police department, hereby is amended by the addition of a NEW Division 7 regarding special police, to read as follows:

**Sec. 279-271. Appointment of special police.**

The chief may appoint and swear firefighters and other qualified persons as special police officers to perform special duty within the consolidated city on behalf of any city department or city agency.

**Sec. 279-272. 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 chief to act under the special police powers without first having obtained a license therefore from the 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 (\$20,000.00) in favor of the city, which bond shall be subject to approval by the controller.

**Sec. 279-273. 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 chief. Such powers, privileges and duties may be subject to any terms, conditions, and limitations as the chief deems appropriate or necessary; however, such powers, privileges and duties shall not exceed those powers granted to a member of the Indianapolis metropolitan police department.

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

**Sec. 279-274. Law enforcement authority.**

The special police officers are subject to the authority of the chief. They shall obey all rules, regulations and orders of the chief or IMPD as they apply to the specific powers granted by the chief.

**Sec. 279-275. 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 Indianapolis metropolitan police department.

SECTION 25. Title I, Chapter 279, Article II of the "Revised Code of the Consolidated City and County" regarding the Indianapolis police department, hereby is amended by the addition of a NEW Division 8 regarding homeland security, to read as follows:

**Sec. 279-281. Homeland Security; Purpose.**

Because of the substantial natural, technological, man-caused and national security hazards faced by the city and because of the need to establish a continuing program for preventing, preparing for, responding to and recovering from emergencies in an orderly way, this article sets forth a mechanism for emergency management planning. It is intended to supplement the Emergency Management and Disaster Law (IC 10-14-3-1 et seq.).

**Sec. 279-282. Definitions.**

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

*Coordination* means the establishment of effective communications linkages and other actions, both of a routine and emergency nature, necessary for the orderly development of the county emergency management plan and for the response to and the recovery from emergencies.

*Emergency* means occurrence or imminent threat of loss of life, illness or injury, damage to public property, private property or the environment resulting from any technological, man-caused, natural or national security hazard including, but not limited to, floods, earthquakes, severe wind, fires, storms, tornadoes, mass transportation accidents, releases of hazardous materials and substances, oil spills, explosions, droughts, riots, structural failure, public extortion, hostage taking, strikes by essential workers, attack, military action, infestations, epidemic, fuel or resource shortages.

*Emergency management* means all measures associated with the prevention and mitigation of the effects of major emergencies, development of plans and preparedness for emergencies, response to the acute effects of emergencies and recovery from emergencies of all kinds.

*Local disaster emergency* means a major emergency that has resulted in a formal declaration of local state of emergency by the mayor.

*Major emergency* means an emergency or threat of emergency that causes loss of life, injury, illness or damage to public or private property or the environment to a degree greater than that which occurs on a regular basis in the county.

*Man-caused hazards* means threats attributable to intentional disruptive actions by humans, including such episodes as riots, public extortion or strikes by essential workers.

*Mitigation* means the prevention or the lessening of effects of emergencies when and where possible including the adoption of appropriate ordinances and regulations.

*National security hazards* means and includes threats attributable to acts or threat of acts by another government, including such episodes as accidental launch of a nuclear or conventional bomb, limited nuclear or conventional warfare, general nuclear or conventional warfare, or any peacetime emergency that poses a serious threat to the national security.

*Natural hazards* means threats attributable to forces of nature, including such episodes as floods, earthquakes, tornadoes or epidemics.

*Preparedness* means all of the measures taken preparatory to emergency response and recovery actions including, but not limited to, the preparation and distribution of emergency management plans, training programs for citizens and emergency forces workers, and emergency information, warning and communications systems.

*Recovery* means all actions necessary to restore life, limb, property and environment to a condition as nearly like that which prevailed prior to an emergency as possible.

*Response* means all of the actions necessary to effectively respond to acute need for protection of life, limb, public property, private property and the environment during an emergency.

*Technological hazards* means serious threats attributable to inventions or products of humankind, including such episodes as structural failures, mass transportation accidents, releases of hazardous materials, fires in multiple occupancy buildings.

**Sec. 279-283. Created; Duties and powers.**

Homeland security shall be a division of the Indianapolis Metropolitan Police Department and in consultation with the office of public health and safety shall:

- (1) Coordinate and direct the development of a county emergency management plan that shall involve all sectors of government and the private sector, shall address all threats or emergencies from all hazards, including natural, technological, man-caused and national security hazards, and shall include mitigation, preparedness, response and recovery activities;
- (2) Prepare, disseminate and maintain in current status a county emergency management plan that addresses in detail the response to and recovery from major emergencies occurring in Marion County, and that shall be the sole emergency management plan for the county and shall be filed in the office of the Marion County Clerk; no police or private organizations shall develop emergency operating or disaster plans or procedures that are in conflict with the county emergency management plan except where specifically authorized by ordinance, statute or federal law or regulation;
- (3) Designate and manage an emergency operations center to which senior government officials and chief coordinators designated in the county emergency management plan may respond to formulate and disseminate decisions regarding the management of a major emergency; homeland security may also designate such auxiliary emergency operations centers as may be necessary;
- (4) Coordinate the development and execution of tests, drills and exercises of the county emergency management plan or any of its parts;
- (5) Be responsible for monitoring hazardous conditions of any kind in the county, making recommendations to the mayor and director of public health and safety concerning emergency measures and activating the county emergency management plan after the declaration of a local disaster emergency by the mayor and for coordinating response and recovery operations associated with a major emergency;
- (6) Serve as the county emergency management organization for the purposes of IC 10-14-3; and
- (7) Be authorized to seek and apply for grants, contracts and other sources of funding necessary or in support of its duties from the federal government, state government and nongovernmental public and private sources.

**Sec. 279-284. Administrator.**

An administrator shall oversee and manage the operations and functions of the division of homeland security. The chief, with the approval of the mayor, shall appoint the administrator who may be a sworn employee or a civilian, but shall possess qualifications necessary to perform the duties required. The chief shall detail the administrator to the office of public health and safety.

**Sec. 279-285. Emergency communications and warning.**

(a) Homeland security shall coordinate the development of an emergency communications and warning system that will allow for the dissemination of warning to potential responders and the general public, to effect the notification of appropriate response agencies and individuals and to distribute and receive information to and from potential emergency responders and the general public regarding an emergency condition.

(b) Homeland security shall develop and maintain an integrated system for warning the public, which may include the deployment of public warning sirens, the development of voice radio systems, coordination of the mobilization of cable television systems, coordination of the county's participation in the emergency broadcast system, and any other appropriate systems that may become available.

SECTION 26. Sections 252-101 through 252-104 of the "Revised Code of the Consolidated City and County" 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. 252-101. Definitions.**

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

*Chief* means the chief executive officer of the Indianapolis fire department appointed pursuant to this article.

*Civilian fire merit board* or *merit board* means the Indianapolis fire department merit board created pursuant to this chapter.

~~*Director* means the director of the department of public safety.~~

*Employee* means a regularly employed civilian employee of the Indianapolis fire department.

*Fire special service district* means the special service district created pursuant to IC 36-3-1-6 and section 111-3 of the Code.

~~*Indianapolis fire department* or *department*~~ *Department* means the ~~fire division of the department of public safety~~ Indianapolis fire department.

*Member* means a regularly employed firefighter of the Indianapolis fire department.

*Merit rank* means all promotions to the rank of lieutenant, captain, and battalion chief made in accordance with the Indianapolis fire department's merit system.

*Non-suppression division* means all firefighters assigned to work an average of one hundred and twenty (120) hours in a twenty-one (21) day work period at various Indianapolis fire department worksites other than fire stations.

*Suppression division* means all department firefighters assigned to work one hundred and forty-four (144) hours in a twenty-one-day work period.

**Sec. 252-102. Indianapolis Fire Department; division, jurisdiction, powers, and duties.**

(a) ~~The fire division of the department of public safety shall be known as the "Indianapolis Fire Department." The Indianapolis Fire Department shall have the authority and jurisdiction of the department shall extend throughout the fire special service district and such other territory where the department provides fire protection services as provided by law.~~

(b) It shall be the duty of the Indianapolis fire department to suppress all fires that occur in the fire special service district and such other territory, to prevent the occurrence and spread of such fires, to provide emergency medical services and rescue operations, and to investigate fires.

(c) The department shall have all powers prescribed in chapter 591 of this Code and all other powers necessary to fulfill these duties and any other powers granted by law, the city-county council or the mayor.

**Sec. 252-103. Chief Appointment and qualifications of chief; powers and duties.**

(a) ~~The director mayor shall appoint a chief of the Indianapolis fire department subject to city-county council confirmation who serves at the pleasure of the mayor and reports directly to the mayor. The director shall have the authority to remove the chief only with the approval of the board of health and public safety.~~

(b) The chief may be selected from members of the department who hold the permanent merit rank of captain or above on the basis of prior training and experience, and shall have a minimum of ten (10) years of service with the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.

(c) The chief may be selected from past members of the department or from members or past members of a fire department other than the department only if he or she has:

(1) Met the following educational requirements:

- a. A bachelor's or master's degree from an accredited institution of higher education in fire science, management, public administration or a related field; or;
- b. A bachelor's degree from an accredited institution of higher education in a non-related field: and
  - i. An associate's degree in fire science; or
  - ii. An executive fire officer designation from the National Fire Academy or its successor institution;

(2) Attained fire officer I and fire officer II certification;

(3) At least ten (10) years' experience in a fire department of a city with a population of one hundred thousand (100,000) or more in Indiana, another state, or the District of Columbia; and

(4) Achieved the merit rank of captain (or its equivalent) or above.

(d) ~~The chief shall have general charge of the daily operations of the department and may, with the approval of the director,~~ appoint any number of executive assistants, who shall hold the temporary rank and title of assistant chief, deputy chief, division chief or shift commander as he or she deems necessary to efficiently discharge his or her executive duties. The chief shall select these executive assistants from among those holding the permanent merit rank of captain or above in the department. The appointed ranks of assistant chief, deputy chief, division chief and shift commander shall be temporary, and each executive assistant shall retain his or her permanent merit rank, unless promoted in accordance with the merit system. The chief may temporarily appoint and assign members of the department to lieutenant, captain, or battalion chief in the non-suppression division, and such



member's pay grade shall be commensurate with the duties and qualifications required of the member. Such assignment shall have no effect on the merit rank of the member.

The chief shall have general authority over all matters, personnel, and property relating to and connected with the department, unless otherwise restricted by law. This authority includes the following powers and duties:

- (1) To organize the department and determine and implement policies, methods and means by which operations are conducted;
- (2) Make general and special rules and regulations for the government and discipline of the department, to the extent such duties and powers are not granted to the merit board;
- (3) To administer and oversee the department's fire merit system with the mayor as provided by this code, relating to appointment, transfer, discipline and removal of members and employees of the department pursuant to applicable rules, regulations and laws in accordance with an established merit system;
- (4) To enter into contracts with town or township firefighting companies or associations for mutual civil aid and assistance programs, life-saving, firefighting, emergency services, ambulance services, mutual communications services, coordinating training programs, or central dispatching programs in accordance with applicable law;
- (5) To purchase, rent or improve any real estate or personal property, subject to appropriations therefor by the city-county council and subject to the powers of the mayor and the board of public health and safety;
- (6) To purchase or obtain necessary supplies, equipment, and services; subject to the authority of the board of the office of public safety and purchasing laws;
- (7) In conjunction with the mayor, to fix the number of employees, members and reservists of the department;
- (8) To temporarily appoint additional personnel on application of any person or corporation in response to any emergency, riot or insurrection as declared by the mayor, which persons the director may remove at any time without hearing or notice or assigning any cause
- (9) To delegate to the personnel employed in the department authority to act in his or her behalf as provided in IC 36-3-5-5(c); and
- (10) Any other powers that may be granted by law or by the mayor.

#### **Sec. 252-104. Budget.**

The ~~director~~ chief shall prepare and submit an annual budget to the fire special service district council that shall approve or modify said budget. The fire special service district council shall appropriate funds to finance the operations and activities of the Indianapolis fire department provided for in this article. These appropriated funds shall be deposited with the consolidated city controller in an account known as the "Indianapolis fire department account." The ~~director~~ chief shall have authority to expend, under regular consolidated city procedure in accordance with applicable law, all sums appropriated to such account for the purposes, activities and services contemplated by this chapter. At the end of each fiscal year, any unexpended portion of such account shall revert to the fire special service district general fund.

SECTION 27. Section 252-105 of the "Revised Code of the Consolidated City and County" hereby is deleted in its entirety and hereby reserved:

SECTION 28. Chapter 252, Articles I and II of the "Revised Code of the Consolidated City and County" 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. 252-108. Life and liability insurance.**

The ~~director~~ chief shall recommend to the corporation counsel appropriate group life and disability insurance coverage to cover all members of the Indianapolis fire department. Such insurance coverage may be purchased and maintained in reasonable amounts and shall cover only firefighters killed or disabled in the line of duty. The ~~director~~ chief shall recommend to the corporation counsel appropriate insurance to indemnify members of the department against liability for injuries or damages to persons or property resulting from alleged acts of negligence, wrongful acts or omission of such members while acting within the scope of their authority and employment.

**Sec. 252-109. Fire protection by the Indianapolis fire department outside the fire special service district.**

The Indianapolis fire department may provide fire protection or services outside the boundaries of the fire special service district, only under the following circumstances and upon the following conditions:

- (1) The chief or the ~~director~~ mayor may enter into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government that maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the department and the other fire department such that the ranking officers of the respective fire departments may request, when necessary, the assistance without charge to the assisted department. The department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the fire special service district or threaten the ability of the department to render services within the fire special service district.
- (2) The department of ~~public safety~~, upon approval of the mayor, may enter into a contract with any person, municipality, or other governmental unit that is situated at a place not within the fire special service district but within the county and that is desirous of contracting with the city for regular fire protection involving the use and services of the Indianapolis fire department. The details of such contract shall be specified by the department of ~~public safety~~, but each contract must provide that the city furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis fire department to the citizens of the fire special service district. The contract shall also provide for a negotiated rate or fees payable as required by the department of ~~public safety~~ for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.
- (3) Upon consolidation of a township fire department into the Indianapolis fire department pursuant to IC 36-3-1-6.1, the department shall provide fire protection or services in the territory where such services were formerly provided by the township fire department.

**Sec. 252-201. Civilian fire merit board.**

(a) There is hereby established a civilian fire merit board that shall be composed of four (4) members appointed by the ~~director~~ mayor and two (2) members elected by the active members of the Indianapolis fire department in accordance with IC 36-8-3.5-1. Each member of the merit board shall be a registered voter who resides within the department's jurisdiction as established by section 252-102 of the Code, and no member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. Members of the merit board shall serve for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

An appointed member of the merit board may be removed by the ~~director~~ mayor, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by

the ~~director~~ mayor, the ~~director~~ mayor shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief shall be an ex officio member of the merit board without voting power.

(c) Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

(f) The city-county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).

#### **Sec. 252-205. Rules and regulations of the Indianapolis fire department.**

(a) Within the limits of this Code, the chief, ~~with the approval of the director~~, shall prescribe, adopt and put into effect such rules and regulations for the governance of the Indianapolis fire department as, from time to time, he or she deems appropriate. Within the limits of this Code, the chief, with the approval of the merit board, shall establish a classification of ranks, grades and positions in the department and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign or reassign any member of the department to serve at any department worksite, within the limits of the Code, and to perform such duties as he or she shall designate, provided such grade and assignment results in no decrease in the firefighter's merit rank, and provided the firefighter's minimum salary is commensurate with his or her merit rank. The chief shall be authorized to make maximum use of civilian employees in any position in the department so as to release firefighters to perform essential departmental functions.

(b) Consistent with the terms of section 252-206(a), the chief, ~~with the approval of the director~~ in consultation with the mayor, may establish a position classification system and a scale of compensation for the various firefighters in the department. The compensation so fixed shall be based on the rank held by the firefighter and the special technical competence of the job assignment of the firefighter. Any position pay granted to a firefighter shall remain in effect only while such firefighter is in such position. The scale of compensation shall be required to apply uniformly to all firefighters' merit rank and minimum salary commensurate with the rank.

#### **Sec. 252-206. Merit promotion system.**

(a) There shall be a merit promotion system that shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and battalion chief. It shall not apply to the appointment of the chief by the ~~director~~ mayor or to the appointment of assistant chief, deputy chiefs, division chiefs and shift commanders by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the Indianapolis fire department:

(1) Private to lieutenant: To be eligible to participate in the process for promotion to the rank of lieutenant, an individual must have completed five (5) years of continuous service as a member of

the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department. To be eligible for promotion to the rank of lieutenant, an individual must have completed eight (8) years of continuous service as a member of the department, which time period shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.

- (2) Lieutenant to captain: To be eligible for promotion to the rank of captain, an individual must have completed three (3) years in the rank of lieutenant and have completed eleven (11) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.
- (3) Captain to battalion chief: To be eligible for promotion to the rank of battalion chief, an individual must have completed three (3) years in the rank of captain and have completed fourteen (14) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department that has been consolidated into the department.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if a firefighter is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board 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, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Final eligibility lists prepared as the result of a promotion process shall be in effect for three (3) years or until a new eligibility list for the next process is final, whichever occurs sooner. A new promotion process shall be initiated by the department no later than twenty-four (24) months after a final promotion list is certified by the merit board.

(e) Promotions shall be made by the chief with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief ~~and the director~~. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the merit selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

(f) All promotions to the ranks of lieutenant, captain and battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who, personally or through any other person, solicits any member of the merit board to favor his or her promotion shall be thereby rendered ineligible for any such promotion.

(g) The chief of fire may make staff appointments in the suppression division for positions requiring special certifications, skills and/or training. These positions may include, but are not limited to, EMS duty officers and fire investigators. These appointments shall not be made to circumvent the department's established seniority bidding or merit systems ~~which~~ that shall be adhered to in compliance with department general orders and labor agreements.

(h) In instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

(i) Upon a consolidation of a fire department into the Indianapolis fire department pursuant to IC 36-3-1-6.1 that results in the addition of a new battalion, any merit captain who was acting as a battalion commander for the fire department shall be allowed to remain as an acting battalion commander if he or she participates in the next process for promotion to battalion chief and successfully completes all components of that promotion process. If the acting battalion commander chooses not to participate in or does not successfully complete all components of that promotion process, he or she shall immediately vacate the acting battalion commander position. Once a promotion list is certified by the merit board, an acting battalion commander, who has successfully completed all components of the promotion process, shall immediately vacate that position and return to the merit rank of captain, unless he or she is promoted to battalion chief in the first group of promotions made from the certified promotion list

**Sec. 252-208. Discipline.**

(a) The chief shall have the ultimate authority to discipline all members of the Indianapolis fire department. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one (1) or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;
- (6) Conduct unbecoming a firefighter;
- (7) Substandard performance;
- (8) Violation, with the determination by the chief, of any federal, state or local law; and
- (9) Failure to cooperate or be truthful.

(c) A firefighter 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 delegation by the chief of the authority to discipline shall not exceed the following:

- (1) Any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (2) Any division chief may suspend any subordinate firefighter for up to a total of forty-eight (48) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

- (3) Any battalion chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) Firefighters who are classified by the department 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.

(f) A disciplinary board of battalion chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member firefighters with the permanent merit rank of battalion chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be impaneled every six (6) months. No battalion chief shall serve as a member of the board in consecutive six-month periods.

- (1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours or any suspension of a firefighter by an assistant chief, the chief shall appoint a firefighter to gather all of the pertinent facts and to investigate the event surrounding the suspension. The results of that investigation shall be reported to the chief, to the disciplinary board and to the chairman of the personnel branch for inclusion in the firefighter's personnel record. The chief, or ~~the chief's his or her designee if the chief so determines~~, may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges. Alternately, the chief, in his or her discretion, may also cause the firefighter to appear directly before the merit board for a hearing.
- (2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five (5) days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in his or her behalf upon forty-eight (48) hours' advance notice to the board. If the firefighter requests that witnesses be subpoenaed, he or she shall provide a list of such witnesses to the board and to the chairman of the personnel branch, who shall prepare and deliver the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter appearing at this hearing, whether as an accused or as a witness, shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the firefighter shall have the right to have legal counsel.
- (3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board shall, by a majority vote, make a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his or her designee for his determination and shall be made available to the accused firefighter.
- (4) After receiving the findings and recommendations, the chief or ~~the chief's his or her designee~~ may, with or without hearings, either concur with the disciplinary board or may reverse the board in full or in part. After making his or her determination, the chief or ~~the chief's his or her designee~~ may:
  - a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
  - b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;

- c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
  - d. Reprimand the firefighter verbally or in writing;
  - e. Reinstatement with pay any firefighter who has been previously suspended without pay.
- (5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. A copy of all of these findings of fact and recommendations as well as the chief's determination shall also be referred to the director within fourteen (14) days.
- (g) Appeals to the merit board shall be handled in the following manner:
- (1) Any member of the department may appeal the following determinations to the fire merit board within thirty (30) calendar days of such determination:
    - a. That portion of any suspension without pay exceeding eighty (80) working hours;
    - b. Any demotion in rank.
  - (2) The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of battalion chiefs if such disciplinary board is convened, the written charges and the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the aggrieved firefighter, or presented by the chief.
  - (3) Any firefighter appealing any decision of the chief shall be given notice at least fourteen (14) calendar days prior to the hearing before the merit board.
  - (4) The appealing firefighter may be represented by legal counsel before the merit board, and the chief shall be represented by the corporation counsel or his or her designee.
  - (5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination that is appealable. In the case of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one (1) time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the chief.
  - (6) After hearing the evidence, the merit board shall make a finding by majority voice and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the firefighter in question and to the ~~director~~ chief and shall become a permanent part of the firefighter's personnel record.
- (h) For the purpose of all hearings before the chief, the disciplinary board of battalion chiefs, and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.
- (i) Either party may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review shall be filed within thirty (30) days of the written decision of the merit board. Within thirty (30) calendar days after the filing of the petition for review, the petitioner shall file a true and complete copy of the transcript of the hearing and the board's written findings with the court. Upon request, the board shall prepare the transcript for the petitioner. The board shall charge the petitioner the reasonable cost of preparing the transcript for transmittal to the court. An extension of time in which to file the transcript shall be granted by the court for good cause shown. Inability to obtain the transcript from the board within the time permitted by this section is good cause. Failure to file the transcript within the time permitted by this subsection, including any extension period ordered by the court, is cause for dismissal of the petition for review by the court, on its own motion, or on petition by the City of Indianapolis. 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 department of public safety and the appealing firefighter. Either party may appeal the decision of the court.

SECTION 29. Section 431-102 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of a NEW Article VIII "Citizens' Police Complaint Process" 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 fire ~~division~~ department, the chief of the ~~Indianapolis Metropolitan Police Department~~ police department, 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. Chapter 202 of the "Revised Code of the Consolidated City and County" regarding the Mayor's Office, hereby is amended by the addition of a NEW Article VIII "Citizens' Police Complaint Process" to read as follows:

**Sec. 202-801. Citizens' police complaint office established.**

(a) The citizens' police complaint office is established as part of the office of the mayor. Any complaint of a citizen against an officer of the Indianapolis Metropolitan Police Department 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 Department'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, ancestry, religion, color, sex, sexual orientation, gender identity, age, language, disability, or United States military service veteran status.

**Sec. 202-802. Citizens' police complaint board established; election process; terms.**

(a) The citizens' police complaint board is established, and shall be 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 consolidated city. 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 six (6) Indianapolis Metropolitan 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 division, 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 Metropolitan Police Department district task force on the citizens' police complaint board, with no more than three (3) from any one (1) district.

- (2) The city county council shall appoint six (6) of the members each having a three-year term or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term. No more than four (4) of these six (6) members may be of the same political party.
- (3) The mayor shall appoint three (3) of the members each having a three year term 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 on the board. If a member is unable to complete their 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 the member has served eighteen (18) months or more of the original term, and no more than two (2) additional full consecutive terms, if the member 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. Such members shall serve two-year terms ending on December 31 in even-numbered years, and shall:
  - a. Have been members of the Indianapolis Police Department, the county police force of the Marion County Sheriff's Department, the Indianapolis Metropolitan Police Department, or any combination thereof, for more than seven (7) years;
  - b. 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. 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 a one-year term ending on December 31 of the year of appointment.
  - (b) All members shall serve at the pleasure of the appointing officials.

**Sec. 202-803. 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 Indianapolis metropolitan police department 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. 202-804. 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. 202-805. Complaint office director; staff.**

(a) The mayor shall appoint a full-time director of the citizens' police complaint office, subject to approval by the city-county council. The director shall be supervised by and subject to review and evaluation by the mayor or the mayor's designee, with the advice and consent of the members of the citizens' police complaint board. The duties of the 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 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 director shall be in regular communication with the chief of the Indianapolis metropolitan police department and may make recommendations to the chief concerning matters of conduct and recurring issues that are processed by the citizens' police complaint office. The director shall also provide periodic reports for publication in the department's annual report.

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

(e) On a quarterly basis, the director shall forward a report of each complaint board member's attendance and each voting member's training, as required by section 202-703, to the member's appointing body, the public safety director, and the chief of the Indianapolis metropolitan police department.

**Sec. 202-806. Complaint investigation and hearing procedures.**

(a) Upon the filing of a complaint, the director shall immediately send a copy of the complaint to the chief of the Indianapolis metropolitan police department 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 department 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 ~~public safety~~ director; however, if deemed appropriate or necessary, the complaint board may order the director to conduct an independent simultaneous investigation before the end of the investigation conducted by the department. 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 department 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 director to conduct an investigation into the allegations of the complaint;
- (2) Conduct an informal administrative hearing on the complaint; and
- (3) Order the 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 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 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. 202-807. 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. 202-808. 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 31. Section 226-203 of the "Revised Code of the Consolidated City and County" regarding the Department of Code Enforcement, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 226-203. Divisions and bureaus.**

The department of code enforcement shall be composed of the following divisions and bureaus, as provided in Article III, Article IV, and Article V of this chapter:

(1) The division of administration, logistics and permits, which shall be composed of:

- a. The bureau of administration and financial services;
- b. The bureau of logistical services; and
- c. The bureau of license and permit services; and

(2) The division of inspections, which shall be composed of:

- a. The bureau of construction services;
- b. The bureau of environmental services; and
- c. The bureau of property safety and maintenance services; and

(3) The division of animal care and control, which includes:

- a. The animal care and control shelter; and
- b. The animal control advisory board.

SECTION 32. Chapter 226 of the "Revised Code of the Consolidated City and County" regarding the Department of Code Enforcement, hereby is amended by the addition of a NEW Article V, "Division of Animal Care and Control", Division 1, "Organization" to read as follows:

**Sec. 226-511. Division established; powers and duties.**

(a) The division of animal care and control is established within the department of code enforcement, the division shall be managed by a deputy director who is appointed by the director, in consultation with the mayor. The deputy director may be a sworn IMPD officer detailed to the division.

(b) The division shall have the powers and duties to operate the city's animal shelter and to enforce provisions of statutes and ordinances relating to the care, treatment and control of animals, or as may be assigned by the mayor, including but not limited to enforcement of Chapter 531, regarding Animals.

**Sec. 226-512. Shelter operations; purpose and responsibilities.**

The animal care and control division shall operate or contract for the operation of the facility located at 2600 South Harding Street which shall be known as the "animal care and control shelter."

(a) The animal care and control shelter is to accept every Marion County resident's animal brought to it. The animal care and control shelter shall determine the county of residence for the owner of each animal brought to it. All non-Marion County residents shall be assessed a surrender fee of forty dollars (\$40.00) per animal drop off. The shelter may refuse to accept non-Marion County residents' animals if the fee is not paid. The division shall use the income from the non-resident fee to promote spay and neuter programs.

(b) The division shall maintain a clean, comfortable, safe and healthy environment for the animals at the shelter.

(c) The division shall adopt, subject to the approval of the animal care and control advisory board, written standards and written standard operating procedures to ensure that the shelter is as clean, comfortable, safe and as healthy an environment as is reasonably possible.

(d) The shelter shall be open for redemption and adoption of animals a minimum of six (6) partial or whole days a week, including one (1) full weekend day.

(e) The shelter shall be open to the public until at least 7:00 p.m. a minimum of one (1) week night each week.

(f) The shelter shall make arrangements to receive and assist sick or injured animals twenty-four (24) hours a day.

(g) The shelter shall coordinate with enforcement officers to make arrangements for emergency pickup service for animals.

(h) The shelter shall contract or arrange for licensed regular veterinary care and for the appropriate veterinary medical supplies for the animals at the facility, which veterinary care shall include, but not be limited to: treatment of sick and injured animals, care for newborn or young animals, administration of preventative vaccines and worming.

(i) The shelter shall provide adequate and nutritional food appropriate to the species and circumstances of the individual animal. Animals will be fed in appropriate containers.

(j) The shelter shall assure that the kennels and/or cages in which the animals stay at the shelter are cleaned and disinfected regularly and in no case less than once every twenty-four (24) hours. Animals shall be humanely moved from their individual kennel to a clean area while the cleaning and disinfecting are being performed.

(k) Incoming animals shall be received in an area separate from the rest of the shelter population and shall be immediately examined for injury. They shall remain separated from the rest of the shelter population until they have been evaluated for health and temperament. Incoming animals whose vaccination history is unknown shall be vaccinated before being moved into the shelter population.

(l) Cages and kennels shall be in good condition, free of sharp or broken edges, covered drains, supplied with clean, fresh bedding daily. Every animal shall be kept in an appropriate enclosure so as to remain clean, dry, comfortable and free of disease.

(m) Animals in the shelter shall be separated as follows:

- (1) Incoming animals from the shelter population for triage and observation period;
- (2) Sick and injured animals from healthy animals so as to receive appropriate care, including off-site facility care if needed;
- (3) Puppies, kittens and nursing mothers with offspring from all other adult animals;
- (4) Further divisions as needed to accommodate temperament and behavior including, but not limited to, females in heat and overly aggressive animals; and
- (5) Dogs from cats.

SECTION 33. Chapter 226 of the "Revised Code of the Consolidated City and County" regarding the Department of Code Enforcement, hereby is amended by the addition of a NEW Division 2 in Article V, "Animal Care and Control Advisory Board" to read as follows:

**Sec. 226-521. Animal care and control advisory board established.**

The animal care and control advisory board is hereby established to help identify the problems and needs of animal care and control in the city, to suggest answers and to recommend solutions to these needs and problems, and to educate the public regarding the care and ownership of animals.

**Sec. 226-522. Board membership.**

(a) The animal care and control advisory board shall be composed of five (5) voting members who are residents of the city and have an interest in and knowledge of care and control of animals, and who are chosen as follows:

- (1) A veterinarian licensed by the State of Indiana and actively engaged, if possible, in private practice in Marion County, who shall be appointed by the mayor;
- (2) A representative from the Health and Hospital Corporation of Marion County board of health, who shall be appointed by the council;
- (3) A representative from the Humane Society of Indianapolis, who shall be appointed by the mayor;
- (4) Two (2) members from the community, one (1) of whom shall be appointed by the council, and one (1) of whom shall be appointed by the mayor.

In addition to the five (5) voting members, the deputy director of the animal care and control division shall be an ex officio, non-voting member of the board.

(b) Each board member shall serve at the pleasure of the appointing authority for a term ending December thirty-first following appointment and until a successor is appointed. A member may be reappointed for successive terms.

(c) If any board member dies, resigns, vacates office or is removed from office, a new member shall be appointed to fill the vacancy in the same manner as the member in respect to whom the vacancy occurs was appointed.

(d) Any board member who fails to attend three (3) consecutive regular meetings of the board shall be treated as if he had resigned, unless sufficient written justification is submitted to and approved by the appointing authority. The deputy director shall inform the appointing authority in writing of any board member of such board member's failure to attend three (3) consecutive regular meetings.

(e) An appointing authority shall not make all of its appointments from the same political party.

**Sec. 226-523. Officers, quorum, meetings.**

(a) The voting members of the board shall select a chairman and a vice-chairman. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all of the communications, including but not limited to meeting notices, will be supplied by the department of code enforcement. All official action of the animal care and control board shall be in writing and be executed by the board upon being authorized by motion passed by the animal care and control board by simple majority of its members present.

(b) A quorum of the board for official action in session shall be three (3) of the five (5) voting members. Official minutes of meetings shall be kept by the secretary.

(c) The board shall meet at least every month, or on special call of the chair, or upon the written request of any three (3) members with every other meeting being held at the shelter facility located at 2600 South Harding Street in the city.

**Sec. 226-524. General powers and duties.**

It shall be the responsibility of the board to insure that activities of animal care and control are meeting its mission statement, to help identify the problems and needs of animal care and control in Marion County, to suggest answers and to recommend solutions to these needs and problems, and to educate the public regarding the proper care and responsible ownership of animals, and to make reasonable efforts to ensure that sufficient funds are appropriated for the proper and necessary equipment and personnel, and upgrades thereof, proper and efficient performance of the services, and work required of the division consistent with the board's policies and procedures.

**Sec. 226-525. Specific powers, duties and responsibilities.**

The board shall also be charged with the following specific duties and responsibilities:

- (1) To adopt, and if necessary, review and amend rules and regulations for the efficient implementation of its policies and procedures, as well as to ensure that the goals identified in the mission statement of animal care and control are fulfilled;
- (2) To allow any person who feels aggrieved at a decision of a public entity concerning animals, or who wishes to express a concern involving animals, to file a written request for consideration of such grievance or concern with the chairman of the animal care and control board, who shall place such request on the agenda of a meeting of the animal care and control board. At the meeting, the animal care and control board shall hear the request and take appropriate action;

- (3) To make recommendations to the deputy director and/or the council regarding establishing standards for the care, disposition, treatment and control of all animals within Marion County including, but not limited to, increasing the adoption of animals and establishing criteria for the adoption of animals, establishing education and community outreach programs for the animal care and control division, establishing and enhancing a county-wide, "one number to call" lost and found service for pet owners, establishing and administering a not-for-profit fund for which charitable donations can be made by citizens on behalf of animal care and control, establishing certification and/or educational requirements for employees of animal care and control, and encouraging responsible pet ownership, including the spaying and neutering of pet dogs and cats;
- (4) To draft and adopt the mission statement for the animal care and control division;
- (5) To receive and review monthly reports from the administrator concerning:
  - a. The numbers of investigations conducted by animal care and control officers, the circumstances involved, the status of such investigations;
  - b. The numbers of animals taken into the shelter, the reasons therefor, the dispositions of such animals (i.e., retrieved by owners, adopted, euthanized, etc.);
  - c. The status of programs designed to implement the mission statement of the animal care and control division;
  - d. Fiscal operation and budgetary needs; and
  - e. Such other information as the animal care and control board shall from time to time request; and
- (6) To submit to the council, the mayor and the director annual reports of its activities and operations.

SECTION 34. Chapter 531 of the "Revised Code of the Consolidated City and County," regarding "Animals", 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. 531-101. Definitions.**

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

*Animal* means any living, nonhuman vertebrate creature.

*Animal care and control division* means the animal care and control division of the department of ~~public safety~~ code enforcement.

*At large* means not confined without means of escape of any portion of the animal's body in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being.

*Board* means the board of code enforcement of the department of code enforcement.

*Colony* means a group of one (1) or more free-roaming cats, whether unmanaged or managed.



*Colony caretaker* means a person who provides food, water and shelter for free-roaming cats in a managed colony.

*Crime prevention dog* means and includes a dog that is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

*Dangerous animal* means any animal that:

- (1) Would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) At a place other than its owner's or keepers property has:
  - a. Chased or approached a person in a menacing fashion or apparent attitude of attack; or
  - b. Attacked another domestic animal; or
- (4) Because of its training or behavior, is capable of inflicting physical harm or death to humans.

*Dog* means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

*Domestic animals* means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

*Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

*Free-roaming cat* means any homeless, stray, wild or untamed cat.

*Kennel* means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

*Law enforcement animal* means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

*Managed colony* means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

*Monitored* means that the animal:

- (1) Is controlled by means of a leash or other device held by a competent person, subject to the provisions of sections 531-401 and 531-728, which animal is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
- (2) Is on or within a vehicle being driven or parked; or
- (3) Is confined as required by this chapter.

*Nonbite exposure* means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

*Own* means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

*Person* means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of section 531-401:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions that constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

*Provoke* means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

~~*Public safety board* means the board of public safety of the department of public safety.~~

*Serious injury* means any injury that results in permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

*Quarantining authority* means the department of ~~public safety code enforcement~~, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

*Shelter* means the animal care and control facility located at 2600 South Harding Street in the City.

*Veterinarian* means a person licensed to practice veterinary medicine in the state.

*Wild animal* means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or IC 14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

#### **Sec. 531-305. Finding of rabies; general quarantine.**

(a) When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(b) When a rabies report is made under subsection (a) of this section, the quarantining authority shall recommend to the director of the city department of public safety a general quarantine in the city for a period of thirty (30) days. Upon invocation of the general quarantine by the director, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through nonbite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

(c) During a general quarantine declared by the director under this section, an animal's owner or keeper who resists the quarantining authority acting under this chapter, or who permits an animal owned

or kept by that person to be at large in the city, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.

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**Sec. 531-401. General requirements for animal care and treatment.**

(a) Every owner or keeper of an animal kept in the consolidated city and county shall see that such animal:

- (1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
- (2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- (3) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
- (4) Shall provide the reasonably necessary medical care according to commonly accepted veterinary standards, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and
- (5) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city department of public safety code enforcement and in effect from time to time.

(b) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of subsection (a) of this section.

(c) It shall be unlawful to tether any animal by use of a choke collar, or on any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than twelve (12) feet in length, or by any tether or leash without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely;

(d) It shall be unlawful for any animal to be tethered between the hours of 11:00 p.m. and 6:00 a.m.; or to tether any un-sterilized dog for any period of time unless the dog is in visual range of a competent adult who is outside with the dog; or to tether or confine an animal at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering or confinement.

(e) In addition to the general requirements for animal care and treatment in this article, every owner or keeper of a dog kept in the consolidated city and county shall see that such dog when confined outside:

- (1) Has access to a shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold. During winter and any day when the temperature is at or below 40°F, the shelter must be just large enough for the dog to stand up and turn around, the entrance covered by a flexible wind-proofing material or self-closing door, and must contain clean, dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the dog to burrow. On any day when the temperature is at or above 80°F, the shelter must be shaded by trees, a tarp, or a tarp-like device.
- (2) Must be brought into a temperature controlled facility when the temperature is at or below 20°F or at or above 90°F, or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog is in visual range of a competent adult who is outside with the dog.
- (3) Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty square feet of space for exercise must be added per dog.
- (4) Is treated so that there are no open lesions on the dog's skin due to insect bites or other parasitic infections.
- (5) Shall not be tethered except when all of the following conditions are met:
  - (i) The tether is not attached to a motorized vehicle, such as an automobile, truck, or motorcycle;
  - (ii) The dog is at least six (6) months of age and is not sick or injured;
  - (iii) The tethered dog has access to water, shelter, and dry ground. If there are multiple tethered dogs, each dog must be tethered separately in a manner that prevents the tethers from becoming entangled with each other or any other object, and each dog must have separate water and shelter;
  - (iv) The tether is attached to the dog by a properly fitting buckle-type collar, or a collar that will not break under pressure, with a rotating toggle or attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck;
  - (v) The tether is not of such unreasonable weight as to prevent the dog from moving about freely, is free of tangles, cannot be entangled with another animal or object, and is at least twelve (12) feet in length.
  - (vi) If the dog is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.
  - (vii) The tether is located so as not to allow the dog to trespass on public or private property nor in such a manner as to cause harm or danger to persons or other animals.

(f) In the discretion of the enforcement authority, as that term is defined in section 531-711 of this Code, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of this section.

(g) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fines imposed for any such violation shall be as follows:

- (1) For the first violation, not less than twenty-five dollars (\$25.00); and
- (2) For the second or subsequent violations, not less than two hundred dollars (\$200.00), and the court upon request shall order forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the city or any third party shall include as a part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

(h) For purposes of this section, the following terms have the following meanings:

- (1) "Confined outside" means confined outside the house, mobile home, or apartment where the owner is living. Confined outside would include in the yard, or in a garage, shed, or barn without heating or air-conditioning. Access to a garage, shed, or barn maintained between 40°F and 80°F would not be considered confined outside.
- (2) "Temperature controlled facility" means a building maintained between 40°F and 80°F.

#### **Sec. 531-410. Protection of birds; exception.**

(a) Unless acting pursuant to a valid permit issued by the United States Fish and Wildlife Service and/or the Indiana Department of Natural Resources, it shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the city other than birds not protected by state or federal law.

(b) Whenever it appears, on complaint of residents, merchants, persons in business, owners or operators of structures or buildings, or citizens generally, or otherwise, that nonmigratory pigeons, starlings, or other birds not protected by state or federal law, constitute a public nuisance in any part of the city, the ~~public safety~~ board shall be authorized to use all necessary means to destroy the birds creating such nuisance, as follows:

- (1) The ~~public safety~~ board is authorized to eradicate pests under subsection (a) of this section with firearms and otherwise; where firearms are used for such purpose, it shall not constitute a violation of the Code which pertains to the discharge of firearms in the city or county; and
- (2) The ~~public safety~~ board is authorized to issue permits to persons in such instances and under such terms and conditions as it finds necessary for the public safety to dispose of any birds not protected by state or federal law, upon the payment of one dollar (\$1.00) by each person to the city controller, and any permit so issued shall be revocable at the will of the ~~public safety~~ board.

#### **Sec. 531-711. Enforcement authority defined.**

For the purposes of this article, the enforcement authority shall consist of the ~~city~~ department of ~~public safety~~, code enforcement by its animal care and control division and other divisions, contractors, agents, employees and its designees, and the Indianapolis metropolitan police department.

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

(a) Persons who are individually charged with the enforcement of this chapter, within the division of animal care and control, 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 ~~254~~ 279, 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 Indianapolis metropolitan police department 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 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.

**Sec. 531-723. Report of impoundment.**

A person who confines an animal found by that person to be at large in the city shall notify the ~~city department of public safety~~ animal care and control division or one of its agents within forty-eight (48) hours thereafter.

The foregoing was passed by the City-County Council this \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Maggie A. Lewis  
President, City-County Council

\_\_\_\_\_  
NaTrina DeBow  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2016, at 10:00 a.m.

\_\_\_\_\_  
NaTrina DeBow  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor