

CITY OF BELLEVUE

ORDINANCE 2022-02-01

AN ORDINANCE OF THE BOARD OF COUNCIL OF THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AMENDING CHAPTER 36 OF THE BELLEVUE CODE OF ORDINANCES TITLED POLICE DEPARTMENT.

Whereas, the City of Bellevue, Kentucky adopted an Ordinance regarding the qualifications and requirements for the position of Police Chief, Ordinance 229 passed on 11-8-1967; and

Whereas, said Ordinance contains requirements and qualifications for the position of Police Chief that are outdated or no longer applicable; and

Whereas, the City desires to change and/or amend the requirements and qualifications of the position of Police Chief.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1

Ord. Nos. 268.80, 275-75, 229 passed 11-8-67, 28.58 passed 7-30-58, 223 passed 9-14-66, 279 passed 4-23-75, 247 passed 11-25-70, 229 passed 11-8-67, 28-58 passed 7-30-58, 83-11-5, and any ordinances and amendments as codified in § 36 et seq., titled Police Department, are hereby amended as follows:

GENERAL PROVISIONS

§ 36.01 ESTABLISHMENT; COMPOSITION.

There is hereby created in and for the city, a municipal Police Department composed of the Chief of Police, police officers, police supervisors ~~reserve (auxiliary) police officers~~, and clerical personnel.

§ 36.02 POWERS AND DUTIES.

The powers and duties of the members of the Police Department shall be to enforce ~~the laws of the United States of America~~, the statutes of the Commonwealth of Kentucky (including appropriate sections of KRS 95), the ordinances of the City ~~city~~, and any other duties as set forth in the City ~~city~~ personnel policies and departmental rules and regulations. KRS 95.761 through KRS 95.785 shall have no application thereto.

§ 36.03 OATH OF OFFICE.

The oath to be executed by each member of the Police Department shall be that set forth in Section 228 of the Constitution of the Commonwealth of Kentucky.

§ 36.04 BOND.

Before entering on their duties, each member of the Police Department shall execute bond to the city, with a corporate surety authorized and qualified to become surety on bond in this state, in the amount of \$2,500.00.

§ 36.05 COMPENSATION.

Compensation shall be in the amount as established by the City's Pay Classification Ordinance. ~~current compensation ordinance of the city.~~

§ 36.06 LAW ENFORCEMENT FOUNDATION PROGRAM FUND.

(A) The city declares its intention to participate in the law enforcement program established by KRS 15.410 through 15.518 ~~15.510~~.

(B) Each officer employed ~~by the City on or after July 1, 1972~~ shall have, as a minimum education attainment, a high school degree or its equivalent as determined by the Kentucky Law Enforcement Council, and each officer employed ~~by the City on or after July 1, 1972~~ shall have, within one (1) year of his date of employment, completed a basic training course of at least four hundred (400) hours duration at a school certified or recognized by the Kentucky Law Enforcement Council.

(C) Each officer, ~~whether originally employed before or after July 1, 1972,~~ shall successfully complete each year in an in-service training course of forty (40) hours' duration appropriate to his rank and responsibility at a school certified or recognized by the Kentucky Law Enforcement Council, and each officer shall receive in each calendar year five (5) days' time off with pay for the purpose of taking the required in-service training.

(D) No officer shall have his base salary reduced or be denied a normal salary increase to which he is otherwise entitled because of the salary incentive payments provided by the Kentucky Justice Cabinet under KRS 15.410 through 15.518 ~~15.510~~.

(E) The Police Department and each officer thereof shall comply with all provisions of law applicable to local police, including the transmission of data to the state centralized criminal history record information system as required by KRS 17.510.

(F) As required by KRS 15.490, the Chief of the Police Department shall prepare or cause to be prepared quarterly and other reports as may be reasonably required by the Kentucky Justice Cabinet to facilitate administration of the fund and further the purposes of KRS 15.410 through 15.518 ~~15.510~~.

(G) The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local Police Department, issued by the Kentucky Justice Cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 through 15.518 ~~15.510~~.

(H) The City Clerk-Treasurer shall deposit in an appropriate account which can be identified separately from all other sources all moneys received under KRS 15.410 through 15.518 ~~15.510~~, and forthwith upon receipt of any moneys under KRS 15.410 through 15.510 the Clerk-Treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of moneys paid to him under KRS 15.410 through 15.518 ~~15.510~~ is included and identified.

(I) All financial records relating to moneys received under KRS 15.410 through 15.518 ~~15.510~~ shall be retained for a period of three years and until the completion of an audit approved by the Kentucky Justice Cabinet and the United States Law Enforcement Assistance Administration.

§ 36.07 CHIEF OF POLICE.

(A) The Chief of Police of the city shall be appointed by the Mayor at will and may be removed by the Mayor at will except as otherwise provided by statute, ordinance, or contract.

(B) In addition to the constitutional requirements, and the statutory requirements (as set forth in the Kentucky Revised Statutes), and Personnel Policy for the position of Police Chief of the City of Bellevue, ~~of the office of Chief of Police of the city~~, the following provisions and qualifications are hereby made mandatory to appointment to the office of Chief of Police. The Chief shall:

(1) ~~Meet the qualifications of the Police Chief as set forth in the job description for the position of police chief set forth in the City of Bellevue Employee Handbook. At the time of his appointment be under the age of 50 years and be of proportionate height and weight so as to present a good physical appearance.~~

(2) ~~Be a graduate of an accredited college or university with a bachelor's degree in police science, criminal justice, management, business administration, public administration, or a related field. Be a graduate of an accredited high school or have the equivalent education by way of G.E.D. diploma.~~

(3) ~~Have a minimum of 10 five years experience as a police officer, with a minimum of two of those years in a supervisory role and have attended at least ~~two~~ one full or part-time police supervision training schools. Have possession of or the ability to obtain a valid vehicle operator's license; must have completed or be eligible to complete the basic training course at the Department of Criminal Justice Training (DOCJT). This is to include forty (40) hours of annual continued training as well as subsequent mandated training by the DOCJT.~~

~~(4) Pass a written general intelligence test and obtain a score of not less than 100. The test shall be equivalent to that of the armed forces general intelligence test. In addition, the Chief of Police shall obtain a passing score on a written test as to his knowledge of general law and legal procedure as applicable to the state statutes and the ordinances of the city.~~

~~(4) Possess the character traits, mental abilities and physical abilities to fulfill and comply with the Personnel Policy for the position of Police Chief of the Bellevue Police Department as are in effect at time of hiring, and as may change from time to time.~~

~~(5) Following a formal job offer, the Police Chief shall submit to a complete physical examination by a licensed medical doctor and shall present to the Mayor a record of the results thereof and a certificate of good health signed by the examining physician as a requirement of continued employment. In addition, he shall personally appear before the Mayor and be orally interviewed by the Mayor.~~

~~(5) The position of Police Chief is considered as "essential personnel" for inclement weather or natural disaster; the Police Chief is subject to drug testing requirements and also subject to medical and physical exams.~~

~~(6) Not be engaged in any private business, employment, or endeavor which shall or may conflict with his duties as Chief of Police of the City city.~~

§ 36.08 — APPOINTMENT OF DEPUTIES OR EXTRA OFFICERS.

~~No section of this chapter shall be construed to prohibit or abridge the right of the Mayor to appoint deputies or special or extra police officers, as needed.~~

§ 36.09 LOST OR STOLEN PROPERTY TURNED OVER TO THE DEPARTMENT.

(A) The Chief of Police is hereby designated as custodian of all property which comes within the purview of KRS 67.592 and which is taken by any peace officer within the city limits.

(B) Custody and disposition of all property in custody of the Police Department shall be governed by the provisions of KRS 67.592 and 67.594 except that all property which would be subject to the provisions of KRS 67.594(4) and which is sold as provided therein shall result in the proceeds going to the credit of the Police Department.

(C) All other provisions of KRS 67.592 and 67.594 shall apply to the City ~~city~~ in the same manner as they do to the county.

§ 36.10 — REGISTRATION OF FELONS.

~~(A) Any person having been convicted of a felony, in any state or federal court shall, if he resides or visits the city, register with the Chief of Police of the city and furnish to him the information hereinafter set forth.~~

~~(B) Any person convicted of a felony, establishing a residence in or visiting the city shall within 48 hours thereof register with the Chief of Police of the city and supply him with the following information:~~

- ~~—— (1) True names, address of residence, or place of visitation and owner thereof;~~
- ~~—— (2) Date, place, and nature of felony conviction and all prior felony convictions, if any, and all names or aliases now used or heretofore used or assumed by him;~~
- ~~—— (3) Present place of employment or occupation, age, weight, and height;~~
- ~~—— (4) In the event of a person registering who shall after registration change his place of residence or visitation, he shall within twenty-four (24) hours thereof notify the Chief of Police of the change of address.~~

~~(C) All of the information herein before described shall be furnished on a form to be provided by the city and shall be signed by the person registering. These records shall be deemed confidential records of the Police Department and shall not be disclosed or divulged to any person without the consent of the Chief of Police.~~

§ 36.11 AUTHORITY TO CARRY CONCEALED WEAPONS.

(A) All full-time regularly-employed members of the Police Department that carry deadly weapons on or about their persons in their regularly-scheduled duties as police officers for the City ~~city~~, may carry concealed deadly weapons on or about their persons at all times within the state ~~or as otherwise allowed under state and/or federal law.~~

~~(B) Concealed firearms carried by any full time, sworn officer of the Police Department, while not on regularly scheduled shifts of duty for the city are limited to those firearms which have been inspected and approved by the firearms instructor and the Chief of Police. Any officer, prior to carrying any concealed firearm on or about his person must participate in an “off-duty qualifications course,” with that firearm, to be designed by the firearms instructor, and must pass said course with a pre-established minimum score.~~

§ 36.99 — PENALTY.

Any person violating the provisions of § 36.10 shall be guilty of a misdemeanor and subject to a fine of not more than \$500.00 or imprisonment of not more than six (6) months, or both.

Charlie Cleves, Mayor

ATTEST:

Mary Scott, City Clerk

First Reading: _____

Second Reading: _____

Publication: _____