

7/13

ORDINANCE NO. 13-2013

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE CREATING AND ESTABLISHING THE DIAMOND CITY POLICE DEPARTMENT, PROVIDING FOR CONTRACTING OF POLICE PROTECTION SERVICES, OR IN THE ALTERNATIVE THE APPOINTMENT OF A POLICE CHIEF AND ESTABLISHING THE DUTIES THEREOF, AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, Ark. Code Ann. §14-52-102 provides that the governing body of an city may establish a police department for the city, prescribe its duties, and define its powers in such manner as will most effectively preserve the peace of the city, secure the citizens thereof from personal violence, and safeguard their property from unlawful deprivations; and

WHEREAS, the City Council recognizes that it is in the best interests of the citizens of Diamond City to establish a municipal police department for the City to provide police protection and services for the public peace, health, safety and welfare of the City and its citizens; and

WHEREAS, the City Council recognizes that it may also be in the best interest of the citizens of Diamond City to contract with the neighboring City of Lead Hill or another jurisdiction for the provision of police protection services to the Diamond City Police Department.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, as follows:

Section 1. Police department established. The City of Diamond City hereby establishes a Police Department which shall be known as the “Diamond City Police Department” and the duties thereof shall be to maintain police protection and police services within the City of Diamond City, Arkansas to preserve the peace of the city, secure the citizens thereof from personal violence, and safeguard their property from unlawful deprivations.

STATE LAW REFERENCE – See A.C.A. §14-52-101 et seq.

Section 2. Contract for Services. The City of Diamond City may contract with the neighboring City of Lead Hill or another jurisdiction for the provision of police protection services under the terms and provision as the City Council for the City of

Diamond City, along with the governing body of the jurisdiction providing the police protection services, shall agree. The Police Chief is directly charged with the responsibility and accountability to each City for all of the equipment utilized by the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of City funds. The Police Chief shall report directly to the Mayor of each City concerning problems particular to that City, provide to each Mayor a tentative schedule of duty times, and the Police Chief, or his designee, shall attend the council meeting of each City and make his monthly report to the City Council furnishing any information required by the City Council and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such as are fixed by the laws of the state and resolutions and ordinances of the City.

Section 3. Appointment and Removal of Police Chief. In the event that the City of Diamond City does not establish a contract for the provision of police protection services as set forth in Section 2 above, or if the contract for police protection service provides for the appointment of a Police Chief and/or other police department employees, the Mayor shall be responsible for the hiring and/or appointment of a Police Chief. Such Police Chief shall be subject to removal by the Mayor, unless removal is overruled by the City Council of the City of Diamond City, Arkansas, by a two-thirds (2/3) vote of the Council membership.

Section 4. Duties of Police Chief. Upon appointment, the Police Chief shall be the head of the department and shall be fully responsible for the operation and the management of the department, and shall direct the work of the department. All officers of the department shall be under the direct supervision of and shall report to the Police Chief. The Police Chief is directly charged with the responsibility and accountability to the City for all of the equipment utilized by the department. It shall be his duty to determine all matters in connection with the operation of his department, except the expenditure of City funds. The Police Chief shall report directly to the Mayor and the Police Chief, or his designee, shall attend each council meeting and make his monthly report to the City Council concerning the operation and equipment of the department and furnishing any information required by the City Council and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such as are fixed by the laws of the state and resolutions and ordinances of the City.

Section 5. Establishment of Rules and Procedures. The Diamond City Police Department, in consultation with the City Attorney, shall adopt and establish such rules and procedures as may be deemed necessary for the proper functioning of the Department, but all such rules and procedures are subject to approval of the City Council.

Section 6. Repeal of Conflicting Ordinances and Resolutions. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 8. Declaration of Emergency. It is hereby found and determined that the City does not presently have a police department to preserve the peace of the City, secure the citizens thereof from personal violence, and safeguard their property from unlawful deprivations, and a police department is immediately needed to do so for the City and its citizens. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this 23rd day of October, 2013.

APPROVED:



Shari Marshall, Mayor

ATTEST:



Cheryl Guthrie, City Recorder/Treasurer
(SEAL)