

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING SECTION 3.01.130 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE APPOINTMENT AND DUTIES OF THE CHIEF OF POLICE

WHEREAS, the City Council has previously adopted Section 3.01.130 of the Centerville Municipal Code regarding the appointment and duties of the Chief of Police; and

WHEREAS, the City Council desires to amend Section 3.01.130 of the Centerville Municipal Code to clarify the authority of Chief of Police for purposes of accreditation as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Amendment. Section 3.01.130 of the Centerville City Municipal Code regarding the Chief of Police is hereby enacted to read in its entirety as set forth as follows.

3.01.130 Chief of Police

- (a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of Chief of Police. The Chief of Police position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Chief of Police may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (b) Supervised by City Manager. The Chief of Police shall be under the direction, control and supervision of the City Manager, as delegated from the appointing body, and shall exercise and perform such duties as may be prescribed by the City Council.
- (c) Duties. The Chief of Police shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, ~~as provided by law, and shall~~, in addition to other Statewide authority ~~as otherwise~~ provided by law, has the authority to:
 - (1) Suppress riots, disturbances, and breaches of the peace;
 - (2) Apprehend all persons violating State laws or City ordinances;
 - (3) Diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons;
 - ~~(4)~~ (5) Attend the municipal Justice Court of the City when required, provide security for such Court, and obey its orders and directions; and
 - ~~(5)~~ Create a child protection unit, as defined in Utah Code § 62A-4a-101; and
 - ~~(6)~~ Exercise and perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.
- (d) Authority. The Chief of Police is designated and shall have full authority and responsibility for the management, direction, and control of the operations and administration of the Police Department, subject to and in accordance with applicable provisions of Utah Code § 10-3-918.

Section 2. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. In addition, pursuant to *Utah Code Ann.* § 10-3-705, as amended, all ordinances must be recorded by the City Recorder in a book used exclusively for that purpose before taking effect.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 19th DAY OF MARCH, 2019.**

CENTERVILLE CITY

ATTEST:

Mackenzie Wood
Mackenzie Wood, City Recorder

By: *Clark A. Wilkinson*
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	ABSENT
Councilmember Fillmore	_____	_____	
Councilmember Ince	<u>X</u>	_____	
Councilmember Ivie	<u>X</u>	_____	
Councilmember McEwan	<u>X</u>	_____	
Councilmember Mecham	<u>X</u>	_____	

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council, recorded by me in a book used exclusively for that purpose, and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the below referenced dates.

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 3/22/2019

RECORDED on 22 day of March, 2019.

PUBLISHED OR POSTED on 21 of March, 2019.

