

First reading: 01/22/24  
Second reading: 02/12/24

Introduced by the Board as a Whole

**BILL NO. 24-05**

**ORDINANCE NO. 4613**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE II, CHAPTER 200: POLICE,  
OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY REGARDING THE  
CHIEF OF POLICE AND POLICE DEPARTMENT**

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**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TOWN AND  
COUNTRY, MISSOURI AS FOLLOWS:**

**Section 1.** Chapter 200: Police of Title II of the Municipal Code of the City of Town and Country, specifically Section 200.010 Chief of Police, is hereby amended to read as follows: (additions shown as underline; deletions shown as ~~strikethrough~~)

**Chapter 200. Police**

**Article I. Chief of Police**

**Section 200.010. Chief of Police.**

A. *Generally.* There shall be a Chief of Police who shall be the head of the Police Department, whose appointment, term and duties shall be as provided in this Section.

B. *Office Established.* There hereby is, and shall be established the office of Chief of Police and the Chief shall be under the supervision of the ~~Mayor~~City Administrator; the Chief of Police shall control, supervise and regulate the personnel, equipment and operation of the Police Department in all aspects of Police protection and regulation within the jurisdiction of the City subject to rules and regulations set down by the Board of Aldermen by ordinance.

C. *Appointment And Term.* The Chief of Police shall be appointed by the Mayor with the approval of the Board of Aldermen and he/she shall hold his/her office subject to removal by the Mayor with the approval of the Board of Aldermen. The Chief of Police shall perform all duties of the Marshal as required by law.

D. *Duties.* It shall be the duty of the Chief of Police to execute all orders and processes arising out of the provisions of this Code or ordinances of the City. He/she shall be a conservator of the peace and active and vigilant in the preservation of good order within the City. He/she shall also perform such other duties as the Board of Aldermen may, from time to time, require by ordinance or resolution. The Chief of Police shall at all times have power to make or order all arrests, with proper process, for any offenses against the laws of the City, or the State, by day or by night, and bring the offender to trial before the proper court; and he/she shall have the power to arrest in accordance with applicable law, without process in all cases where he/she has reasonable grounds to believe a person has violated any law of this State, including a misdemeanor or infraction, or has violated any ordinance over which he/she has jurisdiction, and to keep the offender in the City Jail or other proper place to prevent his/her escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his/her appearance for trial; and he/she shall serve and execute the warrants, subpoenas, writs, and other process lawfully placed with him/her for service.

E. *Acting Chief — Assistant Acting Chief.* The Chief of Police shall designate, in writing, a member of the Police Department to be Acting Chief of Police who shall exercise all of the authority of the officer of the Chief of Police when the Chief of Police is absent from his/her post for any reason. The Acting Chief of Police shall have the authority to appoint an Assistant Acting Chief of Police in his/her absence; the function of the Acting Chief of Police or Assistant Acting Chief of Police shall cease when the Chief of Police is on duty. The ~~Mayor~~ City Administrator may designate an Acting Chief of Police or Assistant Acting Chief of Police at any time, and the ~~Mayor~~ City Administrator may suspend a Chief of Police, Acting Chief of Police, or Assistant Acting Chief of Police by notice forthwith.

F. *Qualifications.* The Chief of Police shall have a baccalaureate degree in Police science, Police administration, criminal justice, or related field, or the equivalent in training and education; Police service of eight (8) years with at least three (3) years being at a supervisory or command level; and proven leadership in staff development experience. The Chief of Police must comply with State training requirements for Police Officers, shall not have been convicted of a felony, and shall meet such other physical, mental, and educational requirements as shall be set by the Board of Aldermen, in conjunction with the City Administrator.

**Section 2.** Chapter 200: Police of Title II of the Municipal Code of the City of Town and Country, specifically Section 200.020 Department—Established—Functions, is hereby amended to read as follows: (additions shown as underline; deletions shown as ~~strikethrough~~)

## **Chapter 200. Police**

### **Article II. Police Department**

#### **Section 200.020. Department — Established — Functions.**

There hereby is, and shall be established a Police Department of the City. The Police Department shall consist of a Police Chief, and all personnel, and Police equipment. The Police Department, through its Chief, and personnel shall be responsible for, and shall undertake the enforcement of all City ordinances, and shall offer the public within the jurisdiction of the City, safety to life, limb, and property, and protection from law violations and hazards. The Department shall be the protector of the public peace. In addition, the Department, through its Chief and the personnel shall perform such duties as may be assigned by the ~~Mayor~~ City Administrator. The Board of Aldermen may assign other functions to the Police Department by ordinance or resolution.

**Section 3.** Chapter 200: Police of Title II of the Municipal Code of the City of Town and Country, specifically Section 200.030 Personnel, is hereby amended to read as follows: (additions shown as underline; deletions shown as ~~strikethrough~~)

## **Chapter 200. Police**

### **Article II. Police Department**

#### **Section 200.030. Personnel.**

A. *Qualifications Of Police Officers.* A Police Officer shall be at least twenty-one (21) years of age, a citizen of the United States and a resident of the State, reside in an area which is within sixty (60) minutes normal travel time to this City's then current Police Station within a period of one (1) year from the officer's date of appointment, shall not have been convicted of a felony, and shall meet such physical, mental, and educational requirements as shall be set out by the Board of Aldermen and the Chief of Police in the rules and regulations of the Police Department. The state residency requirement may be waived by the Chief of Police with consent of the City Administrator if all other tenets of this section are met; however, no waiver shall apply to any standard and/or qualification required by the State of Missouri, any regulatory bodies therein, and/or the City of Town and Country. Should residency be waived for any person, they shall not be provided any additional compensation, renumeration, reimbursement or other measures to mitigate any losses caused, or resulting from, not satisfying the residency requirement.

B. *Powers And Duties Of Police Officers.* Police Officers shall at all times have power to make or order all arrests, with proper process, for any offenses against the laws of the City, or of the State, by day or by night, and bring the offender to trial before the proper court; and they shall have the power to arrest without process in all cases where they have reasonable grounds to believe the person has violated any law of this State including a misdemeanor or infraction, or has violated any ordinance over which they have jurisdiction, and to keep the offender in the City Jail or other proper place to prevent the offender's escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for the offender's appearance for trial. Police Officers shall serve and execute the warrants, subpoenas, writs, and other process lawfully placed with them for service. Police Officers shall have other such duties as shall be assigned to them by their respective supervisors.

C. *Other Employees.* Other employees of the Police Department shall have such titles as are assigned to them by the Chief of Police if they are not qualified Police Officers and shall have such duties as shall be assigned to them by their respective supervisors.

D. *Term Of Employment.*

1. *Term of employment of Police Officers.* Police Officers shall serve at least a one (1) year probationary period. If a Police Officer fails to successfully complete the probationary period, he/she may continue for an additional probationary period of six (6) months or be removed from duty and discharged upon notice given by the Chief of Police.

2. *Termination of Police Department personnel.* A Police Officer or other employee of the Police Department may be removed, discharged, suspended, or relieved from duty by his/her department head or suspended by his/her immediate supervisor at any time with approval from the Chief of Police. ~~and the department head shall report such action, with or without reasons stated, to the Mayor.~~

3. *Right of appeal.* ~~A Police Officer or other employee of the Police Department who is assessed a penalty which causes him/her to lose benefits, money, or job after the initial one (1) year probationary period shall have the right, within seven (7) calendar days after such penalty is assessed, to give written notice to his/her department head, and to the Board of Aldermen, of his/her desire to appeal such disciplinary decision. The Board of Aldermen shall thereafter set a time and place for hearing such appeal, give at least seven (7) calendar days' written notice thereof to such appealing employee, and shall then fully hear and determine the appeal and make such decision as it finds to be just.~~ In compliance with Missouri Law Enforcement Officers' Bill of Rights, a Police Officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due process hearing. Aggrieved personnel may utilize the processes outlined within the Standard Operating Procedures (SOP) of the Department to file a grievance. The established chain of command should be maintained to the maximum extent possible; however, if the grievance concerns the Chief of Police and the command staff, such grievance may be brought directly to the City Administrator.

4. *Oath of a Police Officer.* Upon the appointment of each Police Officer, the Police Officer shall declare the following oath in the presence of the Chief of Police, and shall sign a written copy and deliver the same to the Chief of Police: "I do solemnly swear that I possess all of the qualifications prescribed by law for a Police Officer; that I shall uphold the Constitution of the United States and the State of Missouri; laws of the United States and the State of Missouri, and the ordinances of the City of Town and Country; and that I shall faithfully demean myself in office."

**Section 4.** Chapter 200: Police of Title II of the Municipal Code of the City of Town and Country, specifically Section 200.040 Rules and Regulations, is hereby amended to read as follows: (additions shown as underline; deletions shown as ~~strikethrough~~)

**Chapter 200. Police**

**Article II. Police Department**

**Section 200.040. Rules and Regulations.**

- A. The Police Chief, with the approval of the Mayor City Administrator, may establish and may publish rules and regulations for the personnel and the operation of the Police Department as he/she shall deem necessary. ~~The Board of Aldermen may also establish rules and regulations pertaining to the Police Chief.~~ The rules and regulations may apply to Police Officers and other employees of the Police Department, employee qualifications, time for working, uniforms, official conduct, personal conduct, equipment, discipline, training, records, reports, public relations, and any and all other matters related to the duties of the members and employees of the Police Department pertaining to the preservation of peace and the functions of the Police Department.
- B. The Police Chief may not change any rule or regulation approved by the Board of Aldermen without the approval by a majority of that Board. Nor shall any rule or regulation enacted by the Police Chief be incongruent with or supersede any of the policies established on a city-wide basis by the City Administrator, legislative action, or the Municipal Code.

**Section 5.** Chapter 200: Police of Title II of the Municipal Code of the City of Town and Country, specifically Section 200.060 Records, is hereby amended to read as follows: (additions shown as underline; deletions shown as ~~strikethrough~~)

**Chapter 200. Police**

**Article II. Police Department**

**Section 200.060. Records.**

- A. The Board of Aldermen shall receive from the Police Chief each year, in March, a record of the performance and activity of the Police Department in the year immediately preceding.
- B. The Police Chief shall maintain a personnel file of the members and employees of the Police Department, and shall record therein such information as ~~the Board of Aldermen shall~~ is required from time to time in conjunction with City and Police Department policies, as well as state/federal regulations.

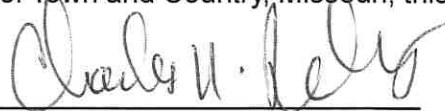
**Section 6.** All other sections contained in Chapter 200: Police of Title II shall remain unchanged unless otherwise noted above.

**Section 7.** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

**Section 8.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Town and Country upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 9.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

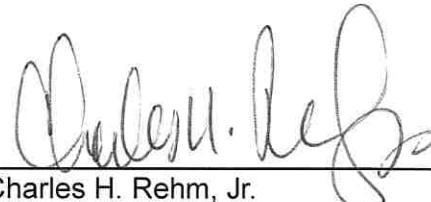
Passed by the Board of Aldermen for the City of Town and Country, Missouri, this 12<sup>th</sup> day of February, 2024.

  
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Presiding Officer


Attest:

  
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Ashley McNamara, City Clerk

Signed this 12<sup>th</sup> day of February, 2024.

  
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Charles H. Rehm, Jr.  
Mayor, City of Town and Country

Attest:

  
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Ashley McNamara, City Clerk