Town Council of Cumberland, Indiana

ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING THE TOWN CODE TO PROVIDE FOR THE
APPOINTMENT OF SPECIAL DEPUTY MARSHALS

WHEREAS, I.C. §36-5-7-6 provides that the Town Council may, by ordinance,
authorize the Town Marshal to appoint deputy marshals, and provides that the Council
shall fix the amount of bond, compensation, and term of service of deputy marshals;

AND WHEREAS, Title III, Chapter 33, of the Town Code provides that the
Town’s police department consists of the Town Marshal, deputy marshals, and reserve
officers, in numbers authorized by the Council. Chapter 33 also authorizes the Marshal
to appoint deputy marshals, subject to rules and procedures approved by the Council;

AND WHEREAS, the Town’s Marshal has requested that the Council authorize
him to appoint special deputy marshals for the limited purpose of performing “VIN
checks” for members of the public. State law requires that a law enforcement officer
perform this function. The Marshal believes civilian staff members of the police
department can perform these duties and thereby provide more efficient service to the
public and relieve the other officers’ workloads.

AND WHEREAS, the Council believes that the Town Code should be
supplemented to provide the Marshal with the authority to appoint special deputy
marshals for this limited purpose.

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NOW, THEREFORE, be it ordained by the Town Council of the Town of Cumberland that a new section, Section 00-03-33-08, is hereby added to the Town Code, to read as follows:

"Section 00-03-33-08 SPECIAL DEPUTY MARSHALS

The Town Marshal may appoint up to two civilian employees of the police department to serve as special deputy marshals having the limited authority of performing VIN checks. The special deputy marshals shall not have arrest powers, shall not carry firearms, shall not wear the department’s uniform, shall not otherwise have the authority or duty to enforce the laws or ordinances, and are not required to undergo training through the Law Enforcement Academy. The special deputy marshals are not entitled to additional compensation or benefits and are not considered members of the department for any other purposes. The special deputy marshals’ appointment may be terminated by the Town Marshal at any time, with or without cause, and the special deputy marshals are not entitled to any disciplinary or termination procedural rights.

The Town Marshal shall determine the required training, education, and experience of the special deputy marshals, subject to the minimum requirements that they: a) be at least 21 years of age, b) have never been convicted of a felony, or of a misdemeanor involving moral turpitude, and c) be of good moral character."

IT IS FURTHER ORDAINED that this ordinance will be effective upon adoption.

ALL OF WHICH IS ORDAINED BY THE TOWN COUNCIL OF CUMBERLAND, INDIANA, this 16 day of May, 2015.

A MAJORITY OF THE TOWN COUNCIL OF CUMBERLAND, INDIANA

Joe Siefker, President