

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA

Ordinance No. 2025 - 11

An Ordinance Amending the Hobart Municipal Code, Chapter 93: Fire Protection

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") did adopt Ordinance 2025-03 on February 5, 2025, replacing Chapter 93 of the Hobart Municipal Code: Fire Protection; and

WHEREAS, it was then subsequently determined that certain areas of the prior Chapter 93 had been inadvertently and unintentionally omitted from the replacement Ordinance 2025-03, specifically some Open Burning Provisions and the Civil Service System for the Fire Department; and

WHEREAS, the Council desires to re-insert parts of those omitted portions of the prior Chapter 93, amending certain areas of the Open Burning provision and re-inserting the Civil Service System for the Fire Department in its entirety,

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart as follows:

SECTION ONE: The Municipal Code of the City of Hobart ("Code") in Chapter 93: Fire Protection, is hereby amended by striking out §93.201: Open Burning Provisions and replacing it in its entirety as follows:

§ 93.201 OPEN BURNING PROVISIONS.

In Indiana, the "burning ordinance" essentially prohibits most open burning, meaning you cannot burn trash or most household waste outdoors, with exceptions for specific activities like controlled prescribed burns that require prior approval from the Indiana Department of Environmental Management (IDEM) and must adhere to strict weather conditions and safety guidelines; recreational fire with clean wood are permitted in most situations but must be managed responsibly and not create a nuisance.

(A) Recreational fires:

- (1) No larger than 3 ft. in diameter and 2 ft. high.
(2) Must be extinguished when the activity ends.
(3) Cannot be used for disposal.
(4) Cannot be within 500 ft. of a fuel storage area or pipeline

(B) Other Burning: For heating, clean wood products or paper can be burned in a noncombustible container.

(C) Restricted Burning Materials: Burning of household trash, plastics, tires, building materials, demolition debris, coated or treated wood, asbestos, or any non-vegetation items is prohibited.

(D) Permitted Burning Activities:

50 (1) Some permitted burning includes controlled prescribed burns for land
51 management, certain agricultural burning in specific areas, and recreational fires
52 with clean wood under specific conditions.

53 (2) Fires shall be permitted:

54 (a) for land and forest management purposes in areas that are zoned
55 agricultural or operated as a farms, the boundaries of which are less than
56 300 feet away from the boundaries of the nearest improved residential
57 zoning district (R1, R2, or R3), or in areas that are not zoned agricultural
58 if the fire is conducted by the property owner; and

59 (b) the fire is kept under the property owner's direct and constant
60 supervision; and

61 (c) the property owner or his or her representative has obtained a fire
62 permit from the Indiana Department of Environmental Management
63 (IDEM); and

64 (d) the property owner has submitted to the Hobart Fire Department the
65 IDEM permit and the related Burn Plan within seven (7) days of its receipt;
66 and

67 (e) at least 48 hours before the proposed time of commencement of the
68 burn, the property owner must submit the following in writing to the
69 Hobart Fire Department:

70 1. The street address and legal description of the property that will
71 be burned; and

72 2. The date and time of the commencement of proposed burn and
73 its expected duration; and

74 3. The written consent of the property owner contained in an
75 instrument bearing his or her signature, approving the burn and
76 indicating their agreement to accept liability for any costs of
77 liability incurred by the Hobart Fire Department due to the
78 proposed burn; and

79 4. A certificate of insurance showing that the property owner is
80 covered by a policy of general liability insurance with an
81 aggregate limit of not less than \$1 Million covering any damage
82 caused by the proposed fire; and

83 5. A list, in writing, or the names and qualifications of the
84 individuals who will be managing the fire and a list of the safety
85 and fire suppression equipment that will be on site during the fire;
86 and

87 6. The anticipated weather on the date of the fire and a description
88 of the weather under which the fire should be allowed; and

89 7. In the event a proposed burn is canceled and the property owner
90 reapplies for a new burn date(s) the same materials may be
91 resubmitted in support of the new date where applicable; and

92 8. A fifty (50) dollar fee to the Hobart Fire Department to defray
93 the Fire Department's administrative costs.

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95 (E) *Weather considerations:* Burning is prohibited during high wind conditions,
96 temperature inversions, stagnant air, or when an Air Quality Action Day is
97 declared.

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99 (F) *Extinguishment Authority:* The Fire Chief or the Fire Chief's designee is
100 hereby authorized to order the extinguishment of any open burning.

101
102 SECTION TWO: The Municipal Code of the City of Hobart (“Code”) in Chapter 93: Fire Protection, is
103 hereby amended by inserting a new section, language and headings §93.028: *Civil Service System for Fire*
104 *Department* in the Scope and Administration portion of Chapter 93 it in its entirety as follows:
105

106 § 93.028 CIVIL SERVICE SYSTEM FOR FIRE DEPARTMENT.
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108 (A) *Application of section.* The provisions of this section shall apply to all cities having regularly
109 organized paid Fire Departments and a population of less than 90,000 or more than 125,000
110 according to the last preceding United States decennial census in counties having 3 or more second
111 class cities, provided, however, that the provisions may be applied to other cities in the counties
112 pursuant to division (T) of this section. (I.C. §19-1-37.5-1)
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114 (B) *Civil Service Commission – members – selection – qualifications – vacancies – removal –*
115 *quorum.* The Civil Service Commission shall be composed of 3 persons to be appointed as follows:
116

117 (1) One to be appointed by the Mayor with the approval of the Common Council for the
118 term of 1 year.

119 (2) One to be elected by the active members of the Fire Department for the term of 2 years
120 in the following manner:

121 (a) An election to be made by the active members of the Department shall be made
122 at a meeting called specifically for that purpose by the Board of Public Works and
123 Safety. The Board shall give at least 3 weeks notice of the meeting to all active
124 members of the Department by posting the notice in prominent locations in stations
125 of the Department. The notice shall also be read during shift roll calls. The notice
126 must designate the time, place, and purpose of the meeting.

127 (b) Only active members of the Department may attend the meeting, and at the
128 meeting, 1 of them shall be selected as Chairperson. All voting must be by secret
129 written ballot. The other procedures for holding the meeting may be determined
130 by the Board of Public Works and Safety and shall be posed in accordance with
131 the preceding division.
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133 (3) The third member shall be chosen by the above 2 members for a term of 3 years. In
134 the event that the above 2 members fail to agree within 30 days of their appointment, then,
135 upon the petition of any interested person showing the facts, the judge of the circuit court
136 shall appoint a third member.
137

138 (4) Should the Mayor fail to appoint or the Council fail to approve a member as provided
139 in division (B)(1) within 45 days after the effective date (January 21, 1972) of this section
140 or the expiration date of any such members’ term as provided hereafter, the Clerk-Treasurer
141 shall make the appointment and members shall be qualified as if appointed by the Mayor
142 and approved by the Council.
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144 (5) The first such election provided for in division (B)(2) shall be conducted within 45
145 days after the effective date (January 21, 1972) of this law.
146

147 (6) Upon the expiration of each of the terms, their successor shall be appointed in a like
148 manner to serve for a term of 3 years. The Commissioners shall be of good moral character,
149 a citizen of the United States, an elector of the county in which he or she resides, and not
150 more than 2 of whom shall be of the same political party. Any member of such
151 Commission may be removed from office for incompetency, dereliction of duty,

malfeasance in office, or other good cause by the Mayor with the consent of the Common Council. Provided, however, that no member of the Commission shall be removed until the charges with due notice, have been preferred in writing, and a full hearing had before the Mayor of the City. Provided, further, that the member of the Commission so removed shall have the right of appeal to the circuit court of the county in which that city is located, which court shall thereupon proceed to hear and determine such appeal in a summary manner. The hearing shall be confined to the determination of whether the judgment or the order of removal was or was not made in good faith or cause, and no appeal to such court shall be taken except upon such ground or grounds. Two members of such commission shall constitute a quorum and the votes of any 2 members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. No person shall be appointed to serve on the Commission who has held any political elective office in the 3 years immediately preceding his or her appointment. (Ord. 97-13, §3)

(C) *Employees of Department included; appointments and promotions, and the like; examinations; investigations, chief.* The classified Civil Service and provisions of this section shall include all full paid employees of the Fire Department of the City, who are members of the Firemen's Pension Fund. All appointments to and promotions in the Department shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigations, providing that such investigation shall apply to applicants for entrance only there shall be no weight given to an oral interview in competitive examinations for appointment, provided, however, that the Chief of the fire force shall be appointed by the appointing power or the Board of Public Works and Safety in the manner specified in subsection (1) of this section. In the event that the chief is appointed from the ranks of the officers of the fire force, in the event of removal or demotion of the chief, he or she shall not be demoted to a rank lower than that which he or she had achieved through civil service examination. No person shall be reinstated in, or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this section.

- (1) A person appointed fire chief must have had at least five (5) years of continuous service with the department immediately before his or her appointment. However, this requirement may be waived by a majority vote of the Common Council upon request of the City Executive, although the person must still have at least five (5) years service with a full-time, paid fire department or agency. (I.C. §19-1-37.5-3) (Ord. 2013-38)

(D) *Commission; officers; powers and duties; rules and regulations.*

- (1) Immediately after appointment, the Commission shall organize by electing 1 of its members Chairperson and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.
- (2) They shall appoint a secretary and chief examiner, who shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.
- (3) The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the state, or promotional and limited to person already in the service of the Fire Department, as the Commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same

202 manner and subject to the same limitations as are provided in the case of members of
203 the Fire Department. It shall be the duty of the Civil Service Commission:

- 204 (a) To make suitable rules and regulations not inconsistent with the provisions of
205 this section. Such rules and regulations shall provide in detail the manner in
206 which examinations may be held, and appointments, promotions, transfers,
207 reinstatements, demotions, suspensions, and discharges shall be made; and
208 may, also, provide for any other matters connected with the general subject of
209 personnel administration, and which may be considered desirable to further
210 carry out the general purposes of this section, or which may be found to be in
211 the interest of good personnel administration. The rules and regulations and
212 any amendments thereof shall be printed, mimeographed, or multigraphed for
213 free public distribution. Such rules and regulations may be changed from time
214 to time;
- 215 (b) All tests shall be practical, and shall consist only of subjects which will fairly
216 determine the capacity of the person examined to perform duties of the position
217 to which appointment is to be made, and may include tests of physical fitness
218 and/or of manual skill;
- 219 (c) The rules and regulations adopted by the Commission shall provide for a credit
220 of 10% in favor of all applicants for appointment under civil service, who, in
221 time of war, or in any expedition of the armed forces of the United States, have
222 served in and been honorably discharged from the armed forces of the United
223 States. These credits apply to entrance examinations only;
- 224 (d) The Commission shall make investigations concerning and report upon all
225 matters touching the enforcement and effect of the provisions of this chapter,
226 and the rules and regulations prescribed hereunder; inspect all institutions,
227 department, offices, places, positions and employments affected by this
228 chapter; and ascertain whether this chapter and all such rules and regulations
229 are being obeyed. Such investigations may be made by the Commission or by
230 any Commissioner designated by the Commission for that purpose. Not only
231 may these investigations be made by the commission as aforesaid, but the
232 Commission shall make like investigation on petition of a citizen duly verified,
233 stating that irregularities or abuses exist, or setting forth in concise language,
234 in writing, the necessity for such investigation. In the course of such
235 investigation the Commission or designated commissioner, or chief examiner
236 shall have the power to administer oaths, subpoena and require the attendance
237 of witnesses and the production of them of books, papers, documents, and
238 accounts appertaining to the investigation, and also to cause the deposition of
239 witnesses residing within the state to be taken, in the manner prescribed by law
240 for like depositions in civil actions. The oaths administered by a circuit judge
241 in his or her judicial capacity; and the failure upon the part of any person so
242 subpoenaed to comply with the provisions of this section shall be deemed a
243 violation of this section, and punishable as such;
- 244 (e) All hearings and investigations before the Commission or chief examiner shall
245 be governed by the rules of civil procedure and any fireman charged with
246 violation upon his or her request, be given a public hearing. He or she shall
247 have the right to call witnesses and question his or her accuser under oath and
248 employ counsel. In all hearing wherein the fireman may be discharged,
249 demoted, or suspended for a period in excess of 15 calendar days, the
250 Commission shall cause the evidence to be taken by a court reporter whose
251 transcript shall form a permanent part of the records of the proceedings. A

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copy of the transcript shall be furnished to the fireman, free of charge, for use on appeal at the request of the fireman;

- (f) To hear and determine appeals or complaints respecting the administrative work of the Personnel Department; appeals upon the allocation of position; the rejection of an examination, and such other matters as may be referred to the Commission;
- (g) Establish and maintain in card or other suitable form a roster of officers and employees;
- (h) Provide for, formulate, and hold competitive tests to determine the relative qualification of person who seek employment in any class or position, and, as a result thereof, establish eligible lists for the various classes of position, and to provide that member laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last members, including probationers, that have been appointed to the Fire Department. Such removal shall be accomplished by suspending in numerical order, commencing with the last members appointed to the Fire Department, all recent appointees to the Fire Department, until such reductions necessary shall have been accomplished. Provided, further, that in the event the Fire Department shall again be increased in numbers, the firemen suspended under the terms of this chapter, shall be reinstated before any new appointments to the Fire Department shall be made; and
- (i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Any such temporary appointment shall be terminated whenever the first person becomes available for appointment from the regular list. (I.C. §19-1-37.5-4)

(E) *Firemen and officers to continue to hold positions; examination; promotions.* Any fulltime fireman except those on probation who is serving upon the Fire Department upon the adoption of the civil service system in any municipality shall be deemed to be a permanent member of the civil service system without examination or other acts on their part as if such person had been permanently appointed thereto under civil service after examination and investigation. The officers of such Fire Department shall continue to hold the positions that they held at the time of the adoption of the civil system; until examinations are held. Examinations shall be held within 2 years of adoption of civil service system. Provided, however, that to be eligible for promotion beyond such rank they shall be required to take the civil service examinations for promotion. (I.C. §19-1-37.5-5)

(F) *Tenure; reasons or grounds for removal, discharge, suspension or demotion.* The tenure of anyone holding an office, place or position or employment under the provisions of this section shall be only during good behavior, and any such person may be removed, discharged or suspended, suspended without pay, demoted or reduced in rank, for the following reasons:

- (1) Any fireman may be suspended without pay not to exceed 30 days, demoted or reduced in rank, or fined not exceeding \$50 for the violation of the written rules and regulations of the Commission. Any fine so levied shall be paid into the firemen's pension fund.
- (2) A fireman may be suspended for more than 30 days or may be removed only upon 1 of the following grounds:

- 302 (a) Drunkenness or the use of narcotics while on duty to such an extent that the use
 - 303 thereof interferes with the efficiency or mental or physical fitness of the
 - 304 employee and which prevents the employee from properly performing the
 - 305 functions and duties of any position under civil service;
 - 306 (b) Willful failure to carry out the direct lawful orders of a superior officer;
 - 307 (c) Failure to report for duty at the time scheduled without giving notice of
 - 308 inability to report: provided, however, that such failure to report is not caused
 - 309 by sudden illness, accident or other circumstances beyond his or her control
 - 310 that would prevent him or her from giving such notice.
 - 311 (d) Failure to report for duty when directly ordered to do so: provided, that the
 - 312 fireman is well and able to carry out his or her duties. Examinations and
 - 313 opinion of any physician appointed by the Commission shall be conclusive in
 - 314 this regard;
 - 315 (e) Solicitation or acceptance of a bribe;
 - 316 (f) Conviction of a felony;
 - 317 (g) Willful and repeated violations of the rules and regulations adopted by the
 - 318 Commission: provided, however, that repeated violations shall be the
 - 319 conviction of more than 2 violations in any 1 year; and
 - 320 (h) Cowardice while on duty.
- 321 (I.C. §19-1-37.5-6)

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323 (G) *Removal, discharge, suspension or demotion of persons in classified service;*

324 *procedures; appeal.*

- 325
326 (1) No person in the classified civil service who shall have been permanently
- 327 appointed or inducted into civil service under provisions of this section, shall be
- 328 removed, suspended, demoted or discharged except for cause, and only upon the
- 329 written accusation, in general terms, shall be served upon the accused, and a
- 330 duplicate filed with the Commission. The Chief of the Fire Department may
- 331 suspend a member pending the confirmation of the suspension by the regular
- 332 appointing power under the section which must be within 3 days. Any person
- 333 so removed, suspended, demoted or discharged may, within 10 days from the
- 334 time of his or her removal, suspension, demotion or discharge, file with the
- 335 Commission a written demand for an investigation, whereupon the Commission
- 336 shall conduct such investigation. The investigation shall be confined to the
- 337 determination of the question of whether such removal, suspension, demotion or
- 338 discharge was or was not made for political or religious reasons, and was or was
- 339 not made in good faith for cause. After such investigation, the Commission may,
- 340 if in its estimation the evidence is conclusive, affirm the removal, or if it shall
- 341 find that the removal, suspension or demotion was made for political or religious
- 342 reasons, or was not made in good faith for cause, shall, order immediate
- 343 reinstatement or reemployment of such person in the office, place, position or
- 344 employment from which such person was removed, suspended, demoted or
- 345 discharged, which reinstatement shall, if the Commission so provides in its
- 346 discretion, be retroactive, and entitle such person to pay or compensation from
- 347 the time of such removal, suspension, demotion or discharge. The Commission,
- 348 upon such investigation in lieu of affirming the removal, suspension, demotion
- 349 or discharge, may modify the order of removal, suspension, demotion or
- 350 discharge by directing a suspension without pay for a given period; and
- 351 subsequent restoration of duty, or demotion in classification, grade, or pay, the

352 findings of the Commission shall be certified, in writing to the appointing power,
353 and shall be forthwith enforced by such officer.

354 (2) All investigations made by the Commission pursuant to the provisions of this
355 section shall be by public hearing, after reasonable notice to the accused of the
356 time and place of such hearing, at which hearing the accused shall be afforded
357 an opportunity of appearing in person and by counsel, and presenting his or her
358 defense. If such judgment or order be concurred in by the Commission or a
359 majority thereof, the accused may appeal therefrom to the circuit court of the
360 county wherein he or she resides. Such appeal shall be taken by servicing the
361 Commission, within 30 days after the entry of such judgment or order, be filed
362 by the Commission with such court. The commission shall, within 10 days, after
363 the filing of such notice, make, certify and file such transcript with such court.
364 The circuit court shall thereupon proceed to hear and determine such appeal in a
365 summary manner: provided, however, that such hearing be confined to the
366 determination of whether the judgment or order of removal, discharge, demotion
367 or suspension made by the Commission, was or was not made in good faith for
368 cause, and no appeal to such court shall be taken except upon such ground or
369 grounds.

370 (I.C. §19-1-37.5-7)

371
372 (H) *Inspection of city books or records by Commission.* It shall be the duty of all officers
373 and employees of any such city to aid in all proper ways of carrying out the provisions of
374 this section, and such rules and regulations as may, from time to time, be prescribed by the
375 Commission thereunder and to afford the Commission, its members and employees, all
376 reasonable facilities and assistance to inspect all books, papers, documents and accounts
377 applying or in any way appertaining to any and all offices, places, positions and
378 employments, subject to civil service, and also to produce the books, papers, documents
379 and accounts, and attend and testify, whenever required so to do by the Commission or any
380 Commissioner; provided, however, that nothing in this section shall be construed so as to
381 require, nor permit the inspection of the books or the records of the firefighters' union.

382 (I.C. §19-1-37.5-8)

383
384 (I) *Filling of vacancies: temporary appointees; probationary period; procedures.*

385
386 (1) Whenever a position in the classified service becomes vacant, the
387 appointing power shall make requisition upon the Commission for the name
388 and address of a person eligible for appointment thereto. The Commission
389 shall certify the name of the person highest on the eligible list for the class to
390 which the vacant position has been allocated, who is willing to accept
391 employment. If there is no appropriate eligible list for the class, the
392 Commission shall certify the name of the person standing highest on the list
393 held appropriate for such class. If more than 1 vacancy is to be filled, an
394 additional name shall be certified for each additional vacancy. The appointing
395 power shall forthwith appoint such person to such vacant position.

396 (2) Whenever requisition is to be made, or whenever a position is held by a
397 temporary appointee and an eligible list for the class of such position exists,
398 the Commission shall forthwith certify the name of the person eligible for
399 appointment to the appointing power, and the appointing power shall
400 forthwith appoint the person so certified to the position. No person so
401 certified shall be laid off; suspended, or given leave of absence from duty,
402 transferred or reduced in pay or grade except for reasons which will promote

403 the good of the service, specified in writing, and after an opportunity to be
404 heard by the Commission and then only with its consent and approval.

405 (3) To enable the appointing power to exercise a choice in the filling of
406 positions, no appointment, employment or promotion in any position in the
407 classified service shall be deemed complete until after the expiration of a
408 period of 6 to 12 months' probationary service, as may be provided in the
409 rules of the Civil Service Commission during which the appointing power
410 may terminate the employment of the person certified to him or her, or it, if
411 during the performance test thus afforded, upon observation or consideration
412 of the performance of duty, the appointing power deems him or her unfit or
413 unsatisfactory for service in the Department. Whereupon the appointing
414 power shall designate the person certified as standing next highest on any such
415 list and such person shall likewise enter upon the duties until some person is
416 found who is deemed fit for appointment, employment or promotion for the
417 probationary period provided herefor, whereupon the appointment,
418 employment or promotion shall be deemed to be complete: provided;
419 however, that no person shall receive a permanent appointment unless he or
420 she is accepted as a permanent member by the Board of Trustees of the
421 firemen's pension fund and any person who fails to be accepted by the pension
422 fund at the end of the probationary period shall be forthwith discharged, upon
423 receipt of a resolution of the pension fund trustees that the person is unfit
424 physically or mentally for permanent employment. (I.C. §19-1-37.5-9)
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426 (J) *Promotions: examinations; seniority; required rank; review.* All promotions shall be
427 made pursuant to written and oral examinations and based upon seniority. Seniority shall
428 count for 60% of the eligibility for promotion, $\frac{1}{4}$ of a point shall be given for each month
429 of service including probationary period up to a maximum of 60 points, the written
430 examination for 30% and the oral examination for 10%; provided, however, that no
431 candidate for promotion shall be considered who fails to achieve a passing score, as defined
432 by the Commission or examining officer, on the written examination.
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434 (1) All promotions to any rank shall be from the next mediate lower rank and
435 provided that the person to be promoted shall have qualified in time of service
436 as designated by the Commission; provided, however, that the Chief of the
437 Fire Department be appointed in the manner expressed in division (C) of this
438 section.

439 (2) All applicants for promotion shall be given an identical examination in the
440 presence of each other, which promotional examination shall be entirely in
441 writing, and all of the questions asked therein shall be prepared and composed
442 in such a manner that the grading of the examination papers can be promptly
443 completed immediately after the holding of the examination. When 1 of the
444 applicants taking an examination for promotion has completed his or her
445 answers, the grading of such examination shall begin, and all of the
446 examination papers shall be graded as they are completed, at the place where
447 the examination is given and in the presence of any applicants who wish to
448 remain during the grading. Each applicant shall have the opportunity to
449 examine his or her examination and his or her answers thereto together with
450 the grading thereof and if dissatisfied, shall, within 5 days, appeal the same to
451 the Commission for review.

452 (I.C. §19-1-37.5-10)
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454 (K) *Power of appointment and to fix compensation not infringed.* All officers, places,
 455 positions and employments coming within the purview of this chapter, shall be created by
 456 the person or group of persons who, acting singly, or in conjunction, as a Mayor, Chief,
 457 Common Council, Commission or otherwise, is or are vested by law at and prior to the
 458 taking effect of this law, with power and authority to select, appoint, or employ any person
 459 coming within the purview of this section, and nothing herein contained shall infringe upon
 460 the power and authority of any such person or group of persons, or appointing power, to
 461 fix the salaries and compensation of all employees employed hereunder. (I.C. §19-1-37.5-
 462 11)

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 464 (L) *Certificate of Commission required for payment of compensation.* No treasurer,
 465 auditor, comptroller or other officer or employee of any city, town, or municipality in
 466 which this section is effective, shall approve the payment of or be in any manner concerned
 467 in paying, auditing or approving any salary wage or other compensation for services, to
 468 any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate
 469 or account for such salary, wage or other compensation containing the names of persons to
 470 be paid, the amount to be paid to each such person, the services on account of which same
 471 is paid, and any other information which, in the judgment of the Civil Service Commission,
 472 should be furnished on the payroll, bears the certificate of the Civil Service Commission
 473 or of its secretary or other duly authorized agent, that the persons named in such payroll,
 474 estimate or account have been appointed or employed in compliance with the terms of this
 475 section and with the rules of the Commission, and that the payroll, estimate or accounts is,
 476 so far as known to the Commission, a true and accurate statement. The Commission shall
 477 refuse to certify the pay of any public officer or employee whom it finds to be illegally or
 478 improperly appointed, and may further refuse to certify the pay of any public officer or
 479 employee who shall willfully or through culpable negligence violate or fail to comply with
 480 this section or with the rules of the Commission. (I.C. §19-1-37.5-12)
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482 (M) *Leave of absence without pay: temporary employment.* Leave of absence, without
 483 pay, may be granted by any appointing power to any person under civil service: provided,
 484 that such appointing power shall give notice of such leave to the Commission. All
 485 temporary employment caused by leaves of absence shall be made from the eligible list of
 486 the classified civil service. (I.C. §19-1-37.5-13)
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488 (N) *Enforcement of chapter and rules.* The Commission shall begin and conduct all civil
 489 suits which may be necessary for the proper enforcement of this section and of the rules of
 490 the Commission. The Commission shall be represented in such suits by the chief legal
 491 officer of the city, but the Commission may in any case be represented by special counsel
 492 appointed by it. (I.C. §19-1-37.5-14)
 493

494 (O) *Denial of applicant's rights prohibited.* No Commissioner or any other person shall,
 495 by himself or herself or in cooperation with 1 or more persons, defeat, deceive, or obstruct
 496 any person in respect of his or her right of examination or registration according to the
 497 rules and regulations of this section, or falsely mark, grade, estimate or report upon the
 498 examination of proper standing of any person examined, registered or certified pursuant to
 499 the provisions of this section, or aid in so doing, or make any false representation
 500 concerning the same, or concerning the person examined, or furnish any person any special
 501 or secret information for the purpose of improving or injuring the prospects or chances of
 502 any person so examined, registered or certified, or to be examined, registered or certified,
 503 or persuade any other person, or permit or aid in any manner other person to impersonate

504 him or her in connection with examination or registration or application or request to be
505 examined or registered. (I.C. §19-1-37.5-15)

506
507 (P) *Political contributions or services barred.* No person holding any office, place,
508 position, or employment subject to civil service, shall be under any obligation to contribute
509 to any political fund or to render any political service to any person or party whatsoever,
510 and no person shall be removed, reduced in grade, or salary, or otherwise prejudiced for
511 refusing to do so. No public officer, whether elected or appointed, shall discharge,
512 promote, demote or in any manner change the official rank, employment, or compensation
513 of any person under civil service, or promise or threaten to do so, for giving or withholding,
514 or neglecting to make any contribution of money, or service, or any other valuable thing,
515 for any political purpose. (I.C. §19-1-37.5-16)

516
517 (Q) *Offices, supplies and equipment and clerical assistance for Commission.* The duly
518 constituted authorities of each and every city coming within the purview of this section,
519 shall provide the Commission with suitable and convenient rooms and accommodations
520 and cause the same to be furnished, heated and lighted and supplied with all office supplies
521 and equipment necessary to carry on the business of the Commission and with such clerical
522 assistance as may be necessary, all of which is to be commensurate with the number of
523 persons in each such city coming within the purview of this section. (I.C. §19-1-37.5-17)

524
525 (R) *Commission to implement chapter; failure to do so as violation.* Each Commission
526 appointed subject to the provisions of this section, shall immediately organize and see to it
527 that the provisions thereof are carried into effect, and to this end make suitable rules and
528 regulations not inconsistent with the purpose of this section, for the purpose of putting the
529 provisions thereof into effect; and the failure upon the part of the Commission or any
530 individual member thereof to do so shall be deemed a violation of this section, and shall be
531 punishable as such. (I.C. §19-1-37.5-18)

532
533 (S) *Violations.* A person who knowingly violates this section commits a Class A
534 misdemeanor. (I.C. §19-1-37.5-19)

535
536 (T) *Definitions.* As used in this section, the following mentioned terms shall have the
537 following described meanings:

538
539 **COMMISSION.** The term means the Civil Service Commission herein created, and
540 the term **COMMISSIONERS** means any 1 of the 3 Commissioners of that
541 Commission.

542
543 **APPOINTING POWER.** The term includes every person or group of persons who,
544 acting singly or in conjunction, as a Mayor, Common Council, Commission, or
545 otherwise, is or are, vested by law with power and authority to select, appoint, or
546 employ any person to hold any office, place, position or employment subject to civil
547 service.

548
549 **APPOINTMENT.** The term includes all means of selection, appointing or employing
550 any person to hold any office, place, position or employment subject to civil service.

551
552 **CITY.** The term includes all cities, towns, and municipalities having a full paid Fire
553 Department, or a Fire Department having paid members.

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FULL PAID FIRE DEPARTMENT or FIRE DEPARTMENT HAVING PAID MEMBERS.

The term means a Fire Department, the officers and firemen employed in which are paid regularly by the city and devote their whole time to firefighting.

(I.C. §19-1-37.5-20)

(U) *Adoption of Civil Service system in a certain city: procedures.* The Civil Service system provided for in this chapter may be adopted in a city having a population of more than 100,000 but less than 125,000 in a county of 3 or more second class cities only through the procedures set forth in this section.

(1) Not later than 60 days after the passage of this law, the Board of Public Works and Safety of a city shall give at least 1 weeks' notice to all active members of the city fire force that a meeting will be held of the members for the purpose of adopting or rejecting the merit plan set forth in this section. Such notice shall be given by the Board by posting the same in prominent places in the central fire station, and which notice shall designate the time, place and purpose of the meeting. Members of such Department who are unable to attend any meeting for the purpose of adopting or rejecting the merit plan set forth in this section may vote by virtue of a written proxy: provided, that no member shall vote more than 1 proxy vote besides his or her own vote, and all voting shall be by secret written ballot. In such meeting, 1 member of the fire force shall be selected as Chairperson, and no one shall be entitled to be present at the meeting except active members of the fire force.

(2) If a majority of the members of the active fire force voting upon the question shall vote in favor, the merit plan contained in this chapter shall be in full force and effect as of January 1 next following the taking of such vote, and appointments to the Civil Service Commission created herein shall be made not later than 60 days from the going into effect of the merit plan contained in this chapter. If the vote upon the question shall be in the negative, no such proposal shall be put to a vote of the active members of such fire force sooner than 1 year from the day of first holding a meeting for such purpose.

(I.C. §19-1-37.5-21)

(V) *Conflicting ordinances superseded.* All ordinances or parts thereof in conflict with the provisions of this section are hereby declared superseded insofar as they conflict with the provisions of this section. (I.C. §19-1-37.5-22)

(W) *Effect of chapter.* Nothing in this chapter shall be deemed to affect, amend or repeal any portion of I.C. §19-1-37; I.C. § 18-1; and all laws amendatory or supplemental thereto. (I.C. §19-1-37.5-23)

(X) *Declaration of intent.* It is the intent of the Common Council through this section to reaffirm former I.C. §§ 19-1-37.5-1 *et seq.* as to the governing authority of the City of Hobart Civil Service Fire Commission, subject only to the amendment stated above in division "B" of this section, and to repeal and otherwise render ineffective any existing ordinances or sections thereof which attempt or have attempted to alter, replace, substitute, or change such governing authority to that of I.C. §36-8-3.5 either in whole or in part.

(Ord. 97-13, §4)

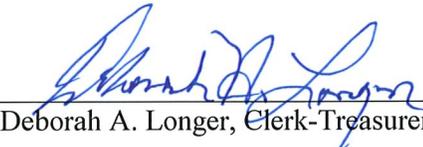
Editor's Note: Indiana Code 19-1-37.5-1 et. seq. was formerly Acts 1972, P.L. No. 4, §1, as amended by Acts 1978, P.L. No. 2, § 1905 as added by Acts 1981, P.L. No. 316 §1, as amended by P.L. 158-2013, §679.

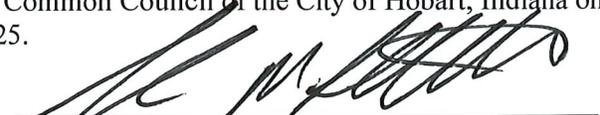
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SECTION THREE: This Ordinance shall be in full force and effect after its passage by the Common Council and approval by the Mayor in the manner required by law and upon publication thereof pursuant to I.C. §36-4-6-14.

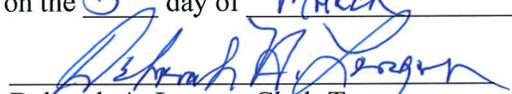
SECTION FOUR: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 5th day of MARCH, 2025.

ATTEST: 
Deborah A. Longer, Clerk-Treasurer

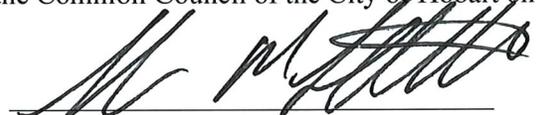

Presiding Officer

PRESENTED by me to the Mayor of the City of Hobart on the 5th day of MARCH, 2025 at the hour of 7:00 PM


Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 5th day of MARCH, 2025.

ATTEST: 
Deborah A. Longer, Clerk-Treasurer


Josh Huddlestun, Mayor