

1                                   **COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**

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3                                   **ORDINANCE NO. 2013- 38**

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5                                   **An Ordinance to Provide for the Qualifications and**  
6                                   **Manner of Appointment of the City Fire Chief**  
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8           WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”)  
9 has received the request of the City Executive to consider amendments to the City’s Fire Civil  
10 Service Ordinance to eliminate the requirement that the Chief of the Fire Department be  
11 appointed from the ranks of the officers of the Department, thereby allowing the Executive to  
12 appoint an otherwise qualified person to the office of Chief who is not, at time of appointment, a  
13 member of the Hobart Fire Department; and  
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15           WHEREAS, by prior City Ordinance, the Council adopted and made effective in the City  
16 the provisions of Acts 1972, Public Law 4 (which added I.C. §19-1-37.5-1, *et seq.*) (hereinafter  
17 “Civil Service Act”) establishing a Civil Service system to govern the City Fire Department,  
18 including appointments, promotions and disciplinary matters among its members. Although I.C.  
19 19-1-37.5 was repealed in 1983, the Act of repeal (I.C. §36-8-3.5-1(b)) authorized Cities to  
20 retain the application of the Civil Service Act by ordinance which was duly enacted by the  
21 Council in the manner required by law; and  
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23           WHEREAS, I.C. §36-8-3.5-1(b) provides that while the City may retain the 1972 Civil  
24 Service Act for the Fire Department “. . . by ordinance of the city legislative body passed before  
25 January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute  
26 but may be amended by the legislative body after December 31, 1984;” and

27           WHEREAS, sub-section (C) of §93.012 of the Municipal Code of the City of Hobart  
28 (Code”) now provides that “the chief of the fire force shall be appointed by the appointing power  
29 or the Board of Public Works and Safety from the ranks of the officers of the fire force . . . ;” and

30           WHEREAS; the laws of the State of Indiana, in cities without such civil service  
31 provision, allows the Chief of the Fire Department to be appointed as follows: “A person  
32 appointed fire chief must have had at least five (5) years of continuous service with the  
33 department immediately before his appointment. However, this requirement may be waived by a  
34 majority vote of the city legislative body upon request of the city executive, although the person  
35 must still have at least five (5) years service with a full-time, paid fire department or agency.”  
36 (I.C. §36-8-4-6 (c)); and

37           WHEREAS, the Council believes that the opportunity to appoint an experienced fire  
38 officer from outside the City Fire Department should be available to the City Executive under the  
39 legally-prescribed requirements noted above, and desires to amend the Civil Service provisions  
40 of the Code to implement this change.

41           THEREFORE, BE IT ORDAINED by the COMMON COUNCIL of the CITY OF  
42 HOBART as follows:

43            *SECTION ONE.* . The Municipal Code of the City of Hobart, Indiana  
44 (“Code”), Chapter 93 entitled “*FIRE PROTECTION*” in the sub-chapter entitled  
45 “*General Provisions,*” §93.12 entitled “Civil Service System for Fire  
46 Department” is hereby amended by striking out the entirety of the language  
47 contained in sub-section (C) of that section and inserting in lieu thereof the  
48 following new language:

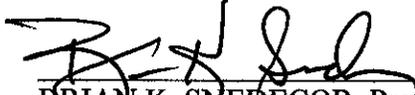
49            *(C) Employees of Department Included; appointments and*  
50 *promotions, and the like; examinations; investigations; chief.* The  
51 classified Civil Service and provisions of this section shall include  
52 all full paid employees of the Fire Department of the City, who are  
53 members of the Firemen’s Pension Fund. All appointments to and  
54 promotions in the Department shall be made solely on merit,  
55 efficiency, and fitness, which shall be ascertained by open  
56 competitive examination and impartial investigations, providing  
57 that such investigation shall apply to applicants for entrance only  
58 there shall be no weight given to an oral interview in competitive  
59 examinations for appointment. provided, however, that the Chief  
60 of the fire force shall be appointed by the appointing power or the  
61 Board of Public Works and Safety in the manner specified in  
62 subsection (1) of this section. In the event that the chief is  
63 appointed from the ranks of the officers of the of the fire force, in  
64 the event of removal or demotion of the chief, he or she shall not  
65 be demoted to a rank lower than that which he or she had achieved  
66 through civil service examination. No person shall be reinstated in,  
67 or transferred, suspended; or discharged from any such place,  
68 position, or employment contrary to the provisions this section.  
69

70            (1) A person appointed fire chief must have  
71 had at least five (5) years of continuous service with  
72 the department immediately before his or her  
73 appointment. However, this requirement may be  
74 waived by a majority vote of the Common Council  
75 upon request of the City Executive, although the  
76 person must still have at least five (5) years service  
77 with a full-time, paid fire department or agency.  
78

79            *SECTION TWO:* This Ordinance shall take effect upon its adoption in the  
80 manner required by law.

81            *SECTION THREE:* All ordinances or portions thereof in effect prior to  
82 the effective date and in conflict with the provisions of this ordinance are hereby  
83 repealed.  
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88 ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of  
89 Hobart, Indiana on this 18<sup>th</sup> day of December, 2013.  
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BRIAN K. SNEDECOR, Presiding Officer

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97 ATTEST:

  
98 DEBORAH A. LONGER, Clerk-Treasurer  
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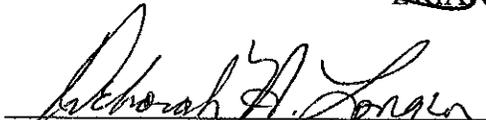
100  
101  
102 PRESENTED by me to the Mayor of the City of Hobart on the 18<sup>th</sup> day of  
103 December, 2013 at the hour of 7:55 p.m.  
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107 DEBORAH A. LONGER, Clerk-Treasurer  
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111 APPROVED, EXECUTED and RETURNED by me to the Common Council of  
112 the City of Hobart on this 18<sup>th</sup> day of December, 2013.  
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116 BRIAN K. SNEDECOR, Mayor

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118  
119 ATTEST:

  
120 DEBORAH A. LONGER, Clerk-Treasurer  
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