

## ORDINANCE NO. 20-03

### AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA, AMENDING SECTIONS 46-43, 46-45, AND 46-49(a) OF THE CITY OF PORTAGE MUNICIPAL CODE

**BE IT AND IT IS HEREBY ORDAINED** by the Common Council of the City of Portage, Indiana, as follows:

**Section 1. Ordinance Amendment of Section 46-43.** Section 46-43 shall be amended by deleting the Section in its entirety and by adding the following new Section:

The merit commission shall have the power to appoint and remove members of the fire department, except for a member of an upper-level policy-making position, which is considered to be any member of the Fire Administration. The mayor shall appoint and may remove a member in an upper-level policy-making position.

**Section 2. Ordinance Amendment of Section 46-45.** Section 46-45 shall be amended by deleting the Section in its entirety and by adding the following new Section:

- a. To be appointed to the fire department an applicant must be a citizen of the United States, a high school graduate or equivalent, and at least 21 years of age, but under 36 years of age, at the time of hire. Any applicant that will turn 21 years of age at any time the new list is in effect shall be eligible to be placed on the eligibility list for hiring.
- b. No person may be appointed, reappointed or reinstated in the fire department if he has a felony conviction on his record. Applications for appointment or reappointment shall be filed with the merit commission and the applicant must provide satisfactory proof of the date and place of his birth. Passage of preliminary examinations deemed necessary by the commission shall be required of all applicants to determine general aptitude for service as a member of the department. These examinations shall include at a minimum, a written aptitude test, a physical agility test and a swim test and shall be conducted according to the procedures adopted by the commission. The results of the preliminary examination shall be filed with the commission; and if an applicant lacks the proper qualifications as evidenced by failure of any of the preliminary examinations, the commission shall reject the applicant. Upon passage of the preliminary examinations, the commission shall then rate the applicant according to physical condition, mental alertness, character, habits, and reputation pursuant to an interview process with each applicant that successfully passes preliminary examinations or by any methods adopted by the commission. The applicant shall have a minimum passing score of seventy (70) percent to be considered eligible for the hiring list. The commission which determines the passing score for the preliminary examination shall post an eligibility list by the order of scores of the applicants. This list shall be certified to the board of public works and safety.
- c. All eligible applicants may remain on the list for one year from the date of certification. After one year, a person must reapply as an applicant. At any time that a vacancy occurs in the fire department, the commission, upon written request by the chief of the fire department shall appoint the applicant having the highest score on the eligibility list to fill the vacancy. A probationary member is not entitled to a disciplinary hearing under [section 46-50](#). That applicant shall be enrolled as a member of the department provided he is still of good character and passes the required physical examination.

**Section 3. Ordinance Amendment of Section 46-49(a).** Section 46-49(a) shall be amended by deleting the Section in its entirety and by adding the following new Section:

a. When a vacancy in rank occurs, the merit commission shall certify to the chief the member with the highest score on the eligibility list for the particular rank. The Chief shall immediately fill the vacancy from the appropriate list with the member having the highest score. The Merit Commission shall be notified of the promotion at the next regular meeting.

**Section 4. Conflicting Ordinances.** Any Ordinance or provision of any Ordinance of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.

**Section 5. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Portage and publication as required by law.

**PASSED AND ADOPTED** by the Common Council of the City of Portage, Porter County, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Nina L. Rivas  
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Nina L. Rivas  
Clerk-Treasurer

Approved by me, the Mayor of the City of Portage, Porter County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sue I. Lynch, Mayor