

ORDINANCE NO. 27-2012 (As Amended 5/8/12)
INTRODUCED BY: Headen

AN ORDINANCE ENACTING NEW SECTION 159.22 OF THE CODIFIED ORDINANCES TO PROVIDE FOR A VEHICLE USE POLICY.

WHEREAS, it has been recommended by the City's Audit Committee that a vehicle use policy be put in place to govern the use of City-owned vehicles to limit use of them for their intended use for official business of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: Existing Chapter 159, "Employees Generally", of Part Five (Administrative Code), of the Codified Ordinances of the City of Richmond Heights is hereby amended to add new Section 159.22, "Vehicle Use Policy", to read as follows:

"159.22 VEHICLE USE POLICY.

(a) Purpose

The purpose of this policy is to establish standard requirements and procedures in accordance with applicable provisions of the Internal Revenue Code for the City of Richmond Heights employees who are assigned a City-owned or leased vehicle (hereinafter in this section such vehicles are collectively referred to as "City Vehicle(s)") in the course of providing City services and conducting City business. This policy is intended to ensure the safety and well-being of City employees, to facilitate the efficient and effective use of City resources, to minimize the City's exposure to liability, to monitor the use of City Vehicles, and to comply with Internal Revenue Service regulations relating to City Vehicle usage.

(b) General Provisions

- (1) City Vehicles are to be utilized exclusively for City business and matters relating to the operation of the services provided by the City to the community. This policy covers all vehicles owned and leased by the City.
- (2) Any violations of this section may result in disciplinary action including, but not limited to, verbal warning, written reprimand, time off without pay (suspension), loss of use of City Vehicle(s), and/or termination.
- (3) All employees assigned a City Vehicle are required to sign a statement indicating that they have read and will comply with this section.

(c) Assignment of City Vehicles

- (1) No City Vehicle shall be used or operated for the daily purpose of transporting any City employee to and from work unless one or both of the following conditions apply:
 - (A) The operator of the City Vehicle is on a 24-hour call to meet valid emergency situations. These operators are as follows: the Mayor, Police Chief, Fire Chief, Service Director, Canine Unit Police Officer, and the Service Department foreman. (These operators will be required to maintain reports that will segregate commuting mileage from City business-related mileage); and/or
 - (B) The head of the department to which the City Vehicle is assigned provides justification to the Mayor that such take home use is in the best financial interest of the City.
- (2) The Director of Finance shall report the use of City Vehicles in accordance with the guidelines of the Internal Revenue Service Code. The City Vehicles are not an inducement for employment nor should they be considered as compensation.

(d) Use Regulations

- (1) All operators of City Vehicles shall possess a valid Ohio driver's license and shall be properly licensed in accordance with Ohio law to operate the class of City Vehicle so operated. All operators of City Vehicles shall provide to the head of their department proof of being so licensed upon request and in any event each time his or her license is renewed. Each employee who operates a City Vehicle must provide a copy of his or her license to the head of the department who shall be responsible for maintaining a current list of all employees' licenses who may operate a City Vehicle.
- (2) In the event an employee's driver's license expires or is revoked, suspended, forfeited or restricted in any manner, the employee shall be required to report that information within 72 hours of its occurrence to the head of the employee's department, or within 24 hours of returning from vacation or other authorized leave if the expiration, revocation, suspension, forfeiture or restriction occurred during such leave.
- (3) No employee shall operate a City Vehicle or heavy equipment or machinery if any of the following apply:
 - (A) The person is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any drug of abuse;

- (B) The person has a concentration of four-hundredths (.04) of one percent or more by weight of alcohol in his blood;
- (C) The person has a concentration of four-hundredths (.04) of one gram or more by weight of alcohol per 210 liters of his breath; or
- (D) The person has a concentration of six-hundredths (.06) of one gram or more by weight of alcohol per 100 milliliters of his urine.

- (4) Persons who are not City employees are not permitted to ride in a City Vehicle except for business related reasons (e.g., carpooling to a permitted City-authorized function).
- (5) Only authorized City employees are permitted to operate City Vehicles. Persons who are not City employees shall not operate City Vehicles.
- (6) Seatbelts are to be used at all times when driving or being a passenger in a City Vehicle.
- (7) Any employee who sustains or causes injury or damage to any person or property while in possession of or being assigned a City Vehicle shall report such damage or injury immediately to any governmental authority as is required by law and thereafter promptly report in writing the details of such occurrence to the head of his/her department. Failure to promptly report the details of any occurrence to the employee's department head may result in disciplinary action, up to and including termination.
- (8) De minimis personal use of City Vehicles by authorized employees is only permitted where such personal use is de minimis and incidental to his or her use of the City Vehicle for the City's business, and does not result in:
 - (1) A significant deviation from the course of travel on City business;
 - (2) Exposure of the City Vehicle to substantial additional risk of loss or damage;
 - (3) Exposure of the City to substantial additional risk of liability.
- (9) Only City-owned gasoline and other Vehicle fluids and parts shall be placed into City Vehicles, unless the City Vehicle is used for a City-authorized trip where the mileage necessary for the trip requires use of gasoline not owned by the City. No employee is permitted to place City-owned gasoline or other fuel in his or her personal or other private vehicle under any circumstances.
- (10) The Mayor, with the advice of the head of the department, may grant temporary use of City Vehicles for purposes of commuting to and from an employee's

home when deemed appropriate or necessary. Temporary permission is limited to three days and for exigent circumstances.

- (11) Employees may use City Vehicles for official City business upon the approval of the employee's immediate supervisor.
- (12) All City Vehicles shall display the City emblem and vehicle number, except for certain unmarked vehicles and covert license plates (tags) used by the City in undercover investigatory operations.
- (13) It is the responsibility of the head of each City department to provide for the keeping and maintaining of mileage logs regarding use of City Vehicles, except for those City Vehicles used by the Service Department for the provision of City services within the City's corporate limits and except for City Vehicles used by the City's Divisions of Police and Fire to provide direct safety services.
- (14) Regular safety checks of City Vehicles must be done by all drivers. Any faults in City Vehicles shall be reported immediately to the head of the driver's department for the issuance of a work order for repair.
- (15) City Vehicles must be kept neat and clean inside and outside. Windows and doors shall be closed and locked when not in use.
- (16) The City reserves the right to review the continuing need for any City Vehicle assignment.”

Section 2: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2012

Daniel J. Ursu, Mayor

APPROVED: _____, 2012

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council