

**CHAPTER 30**

**PUBLIC SAFETY**

**ARTICLE I - POLICE DEPARTMENT**

**30-1-1**     **DEPARTMENT ESTABLISHED.** There is hereby created a police department for the City which shall consist of the Chief of Police, who shall be ex-officio superintendent of police and such other members as may be provided for by the City Council.

**30-1-2**     **APPOINTMENTS.** The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council. Pursuant to **65 ILCS Sec. 5/3-14-1**, the Police Chief shall not be required to be a resident of the City at the time of his appointment as Chief, but shall be required to reside within the City limits while serving as Chief of Police. All other appointments shall be made by the City Council. **(Ord. No. 7; 1987-88; 11-02-87)**

**30-1-3**     **OATH; BOND.** Each policeman shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by law for such officers, and shall give bond to the City in the penal sum of **One Thousand Dollars (\$1,000.00)**, with such sureties as the City Council may approve, conditioned for the faithful performance of the duties of his office.

**30-1-4**     **RANK.** The Chief of Police shall be the head of the department and have supervision over all officers and members thereof.

**30-1-5**     **DUTIES.** It shall be the duty of the members of the police department to see to the enforcement of all of the ordinances of the City and all statutes applicable therein; and to preserve order and prevent infractions of the law and arrest violators thereof. They shall be regular and prompt in the discharge of their duties.

**30-1-6**     **SERVING PROCESS.** No member of the police department, except the Chief, shall serve any process except on command of the Chief of the police department.

**30-1-7**      **CONDUCT OF MEMBERS.** It shall be the duty of every member of the police department to conduct himself or herself, in a proper and law abiding manner, at all times, and to avoid the use of unnecessary force. Each member of the department shall obey the orders and directions of his superior.

**30-1-8**      **WITNESS FEES.** Every member of the police department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; any fees paid for such services shall be turned over to the Chief, who shall deposit the same with the City Treasurer.

**30-1-9**      **EXTRA DUTIES.** Although certain hours shall be allotted to each member for duty, all the members must be prepared to act on notice, whenever their services may be required, either on call by a superior officer or in view of a violation, or threatened violation, of any law of the state or ordinance of the said City.

**30-1-10**     **CAUSES FOR REMOVAL.** Any member of the police force who shall be guilty of any of the following offenses may be removed from office, viz:

- (A)            Disobedience of orders of his superior officers.
- (B)            Intoxication or drug abuse.
- (C)            Association with prostitutes, rowdies or gamblers.
- (D)            Violent, obscene or abusive language to a superior officer, or to any citizen, resident or stranger.
- (E)            Drinking intoxicating liquor while on duty.
- (F)            Entering any gambling house, or house of ill fame, while on duty, except in the discharge of the duties of his office.
- (G)            Maltreatment of any person in his custody.
- (H)            Acceptance of any gratuity, gift, pay or reward from any person in his custody, or after he shall have been discharged.
- (I)            Communicating any information which may lead to the escape from arrest or punishment of any person charged with an offense.
- (J)            Absence from duty without permission.
- (K)            Going to sleep on duty.

**30-1-11**     **NEGLECT AND VIOLATION OF DUTY.** Any member of the police force shall neglect or refuse to perform any duty required of him by the ordinances of said City, or the rules and regulations of the police department, or who shall, in the discharge<sup>3</sup> of his official duties be guilty of fraud, favoritism,

extortion, oppression, or willful wrong and injustice, shall, in each case, be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **One Hundred Dollars (\$100.00)**, and shall be subject to suspension or removal from his office.

**30-1-12 RULES AND REGULATIONS.** The Chief of the police department may make or prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the City Council, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the department.

**30-1-13 TEMPORARY POLICEMEN.** Whenever the Mayor shall deem it necessary to temporarily increase the number of policemen, he may appoint, in writing, under the corporate seal, a suitable person, or a suitable number of reputable and discrete citizens of the City as temporary policemen, whose powers, duties, and liabilities shall be the same as those of other policemen, and who shall take and subscribe the same oath and shall be required to execute bond to the City, in like manner as other policemen. The Mayor shall report all such temporary appointments to the City Council at its next regular meeting and the City Council may continue or discontinue such temporary officers in its discretion, and the person or persons so appointed shall receive such reasonable compensation as may be agreed upon by the City Council, or as may be provided by ordinance.

**30-1-14 STOLEN PROPERTY – CUSTODY OF.** The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the City.

**30-1-15 PROCEEDINGS COMMENCED.** All proceedings shall be commenced and all complaints filed, bails allowed and arrests made in accordance with **Chapter 730** of the **Illinois Compiled Statutes** and **Chapter 65** of the **Illinois Compiled Statutes** governing criminal conduct and municipal authority.

**30-1-16 FALSELY IMPERSONATING AN OFFICER.** No person shall falsely impersonate any of the members of the police force of the City, or shall maliciously, or with intent to deceive, use or imitate any of the signs, signals or devices used by such officer of the police department, or who, not being a police officer, shall wear in public the police uniform, or shall impersonate or represent falsely that he is a member or officer of said department.

**30-1-17**     **INTERFERING WITH DUTIES OF POLICE OFFICER, RESISTING ARREST.** No person shall hinder, obstruct, resist or otherwise interfere with any City police officer while in the act of arresting any person, nor attempt to prevent any such officer from arresting any person, nor attempt to rescue from such officer any person in his custody and every person so offending shall be subject to a fine of not less than **Ten Dollars (\$10.00)** nor more than **One Hundred Dollars (\$100.00)** for each offense.

**30-1-18**     **RESIDENCY OF POLICE OFFICERS.** All police officers, including the Chief of Police, full and part-time, of the City are not required to reside within the City either at the time of their appointment or while serving as such police officers. This section is pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/3-14-1. **(Ord. No. 6-1987-88; 10-05-87)**

**30-1-19**     **PART-TIME POLICE OFFICER HIRING STANDARDS.**

(A) All police officers, other than those officers who shall be employed on a full-time basis, who meet the conditions of paragraph (B) and who are qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training and Standards Board shall be qualified to serve as part-time police officers for the City.

(B) To be hired or appointed as a full or part-time police officer for the City, in addition to the training specified in paragraph (A) above, must meet the following minimum standards:

- (1) be a high school graduate or possess a General Equivalency Diploma (GED).
- (2) must be **twenty-one (21) years** of age or older. (Those applicants with military service may be given preference over an applicant who has none.)
- (3) possess a valid Illinois Drivers license without restrictions relating to the ability to operate a motor vehicle during any portions of a **twenty-four (24) hour** day.
- (4) have United States citizenship or be an alien admitted for permanent residency.
- (5) have no felony convictions.
- (6) have no convictions for an offense of domestic battery or violation of an order of protection.
- (7) have no domestic violence charges pending or active orders of protection.

(C) The aforesaid hiring standards, particularly with respect to part-time police officers employed by the City shall be submitted to the Illinois Law Enforcement Training and Standards Board, as required by statute.

(D) Part-time police officers shall be members of the police department of the City, but shall not be eligible for pension, IMRF, or other retirement type benefits, or for benefits provided to full time employees including but not limited to health insurance.

(E) Part-time officers shall not be used as permanent replacements for permanent full-time officers.

(F) Part-time police officers will be trained under the intergovernmental Law Enforcement Officers In-Service Training Act in accordance with the procedures for part-time police officers established by the Illinois Law Enforcement Training and Standards Board.

(G) Part-time police officers must successfully complete a certified Illinois Law Enforcement Training and Standards Board **forty (40) hour** mandatory firearms certification course prior to carrying a firearm in the performance of their duties.

(H) Part-time police officers must complete the **four hundred (400) hours** basic law enforcement recruit training or its equivalent from another jurisdiction and have or be entitled to receive a waiver from the Illinois Law Enforcement Training and Standards Board, if necessary.

(I) Part-time police officers shall also comply with any requirements set forth in the Police Department policy manual and the Personnel Policy of the City.

(J) Reasonable accommodations to the foregoing standards where appropriate and required by applicable law, will be made for persons with disabilities.  
**(Ord. No. 10-01; 01-19-10)**

## **ARTICLE II**

### **FIRE DEPARTMENT**

#### **DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1** **DEPARTMENT ESTABLISHED.** There is hereby created and established in the City a fire department, which shall consist of Mt. Sterling Fire Department now organized.

**30-2-2** **ORGANIZATION; APPOINTMENT OF OFFICERS.** The fire department shall consist of a Fire Chief, First Assistant and Second Assistant Fire Chief, a Secretary, Treasurer, Training Officer and such number of firemen, as the Mayor and City Council may from time to time appoint, said number not to be less than **sixteen (16)**. **(Ord. No. 95-04; 09-11-95)**

**30-2-3** **ELECTION.** The above officers, with exception of the training officer who is appointed by the Chief, and the Fire Chief who is appointed by the Mayor, shall be elected by the members of the Fire Department on the first Wednesday of February of each year and shall hold their respective offices for one (1) year from the first Wednesday of March following their election. All election of officers is subject to the final approval of the City Council. The names of those individually elected by the members of the fire department shall be submitted to the City Council for approval by the Fire Chief at the next scheduled regular

**703.1**

**[Supplement No. 15; 05-01-10]**

monthly meeting of the City Council following the election held by the fire department members. In the event an elected officer is not approved by the City Council, another election shall be conducted by the fire department and then submitted to the Council in the manner aforementioned. **(Ord. No. 97-98-04; 06-09-97)**

**30-2-4 FIRE CHIEF; DUTIES.** There is hereby created the office of Fire Chief who shall be the head of the fire department, and shall hold his office for the term of **one (1) year**, and until his successor shall be appointed and qualified. The Fire Chief shall have control of the fire department of the City and of all person when acting or aiding the department or any fire company in any manner. He shall give all necessary information to the City Council for the improvement of the department and shall be subject to the orders of the City Council and shall perform such other and further duties as he shall by ordinance be required.

**30-2-5 FIRE CHIEF APPOINTMENT; OATH.** The Fire Chief shall, before entering upon the duties of his office, take the oath of office prescribed by law for other City officers.

**30-2-6 HEAD OF DEPARTMENT.** The Fire Chief shall be the head of the fire department, and shall have full control over the same and over all members thereof, while in the line of their duty, subject to the control and supervision of the City Council. He shall see that the organization of said department is efficiently preserved, its records properly kept, and its rules and regulations duly observed by its members.

**30-2-7 DUTY TO ATTEND FIRES.** It is hereby made the duty of the Fire Chief to attend all fires occurring within the City, and to take command of the fire department at all such fires, and see that the several members of the fire department perform their respective duties as firemen.

**30-2-8 COMMAND AT FIRES - IN CASE OF FIRE.** The Fire Chief and his assistants in their order, shall rank in the order herein named and the officer highest in rank at the fire shall take command of the fire department and direct the management thereof for the suppression of the fire, in the best manner possible and if no officer is present, the passenger in the lead vehicle shall direct the management until an officer arrives and takes charge and when it may be necessary for the protection of other property and to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down, or destroyed in the best manner possible. **(See Sec. 30-2-15) (Ord. No. 95-04; 09-11-95)**

**30-2-9**      **OBEDIENCE TO ORDERS.** All firemen in attendance at a fire shall obey the orders of the officer in command at such fire.

**30-2-10**    **INVESTIGATE FIRES; KEEP RECORD.** The Fire Chief shall inquire into and investigate the cause of all fires happening in the City, as soon after they occur as may be practicable, and keep a record of his investigations and the circumstances of each case, which record shall show the name of the owner whose property is damaged or destroyed, the cause of the fire if known, and such other information as he may deem necessary.

**30-2-11**    **ANNUAL REPORT.** The Fire Chief shall annually, at the close of each fiscal year, make a written report of the City Council, in which he shall show the condition of the department under his command, together with a complete list of all fires occurring within the City during the preceding year, the date and location of each fire, the name of the owner of the property damaged or destroyed, and such other information as may be deemed important for the City.

**30-2-12**    **RECORDS.** The Secretary shall keep a record of all meetings of the company and the attendance of the members, a record of all fires, and, during the last week in March of each year, file with the City Clerk, a full report of such records of attendance and fires and which report shall be made under oath. The Secretary shall receive such compensation as may from time to time be provided by ordinance or resolution.

**30-2-13**    **TREASURER – BOND.** The Treasurer of the fire department shall give bond to the City for **Two Hundred Fifty Dollars (\$250.00)** with sureties to be approved by the Mayor, conditioned for the faithful performance of the duties of his office, and that he will pay out any money that may come to him as such Treasurer for the use, benefit and maintenance of said fire department as is required by law, and the ordinances of the City and the by-laws of the fire department.

**30-2-14**    **GENERAL DUTIES OF MEMBERS.** It shall be the duty of the officers and members of the fire department to take good care of the fire apparatus and the building wherein the same is kept and to attend all fires as hereinafter provided. The members of the fire department shall upon an alarm of fire, immediately proceed to the place of the fire with the fire truck and other fire apparatus under their care, and there                                  work                                  and                                  manage                                  the

same under the direction of the Fire Chief or such officer as may be in command or in the absence of any officer and his authority, work their fire apparatus in the most efficient manner for the extinguishment of fire and shall not depart therefrom without the permission of the officer in command; and at the conclusion of the fire they return the fire truck, apparatus to the place where the same is kept and if necessary, shall wash and clean the same. No member of the department shall, without the consent of the officer in command, leave the fire apparatus or their work at the fire.

**30-2-15 POWERS OF FIRES; DESTROY BUILDINGS.** The Fire Chief, or in his absence, the officer in command at any fire, or in case of the absence of such officers, the Mayor, or any **two (2) members** of the City Council of the City, may direct the members of the fire department to tear down or remove any building, erection, or fence, for the purpose of checking the progress of any fire; and blow up, or cause to be blown up, any building or erection, during the progress of any fire, for the purpose of extinguishing or checking the same.

**30-2-16 BYSTANDERS TO OBEY ORDERS.** Every person present at any fire shall be subject to the orders of the Fire Chief and the assistant Fire Chief, in the extinguishment of the fire and the removal of and protection of property. Provided, that no person not a member of the fire department shall be bound to obey any of said orders of such officers unless the officers shall first identify themselves, or their official character shall be known to such person, and such officers shall have power to arrest any person or persons so refusing to obey such orders lawfully given as aforesaid.

**30-2-17 ENFORCE ORDINANCES.** It shall be the duty of the Fire Chief to cause all ordinances and regulations relating to the fire department, to be strictly enforced.

**30-2-18 DELIVER PROPERTY AND RECORDS TO SUCCESSOR.** Upon the expiration of his term of office, or his resignation thereof, or his removal therefrom, the Fire Chief shall, on demand, deliver to his successor in office, all books, records, apparatus, equipment and property of every description, in his possession, belonging to the said City, or pertaining to his office.

**30-2-19 FIRST AND SECOND ASSISTANT FIRE CHIEF.** There is hereby created the office of first and second assistant Fire Chief, who shall, by and with the consent of the City Council, be elected by the members of the fire department.



**30-2-20**    **APPOINTMENT; TERM.** The first assistant Fire Chief and second assistant Fire Chief shall hold his office for the term of **one (1) year**.

**30-2-21**    **FIRST ASSISTANT CHIEF.** It shall be the duty of the first assistant Fire Chief, if in his power, to attend all fires happening within the City, and in the absence of the Fire Chief he shall take charge of the work of the department, and he shall have and exercise the duties and powers of the Fire Chief. In the absence of both the Fire Chief and first assistant, the second assistant Fire Chief shall have the duties as set forth herein for the first assistant Fire Chief.

**30-2-22**    **QUALIFICATION.** No new fireman shall be appointed to the department who is under the age of **eighteen (18) years** nor unless he is a person of good moral character and temperate, steady habits. No officer of the fire department shall be elected or appointed who is under the age of **twenty-one (21) years**. All firemen must reside within a **one (1) mile** radius of the City boundaries unless by consent of the City Council. **(Ord. No. 95-04; 09-11-95)**

**30-2-23**    **MEMBERS; APPLICATION.** Any person desiring to become a member of the fire department shall have the secretary of the department submit his name and application, which department officers shall at the next regular officers meeting, after the same shall have been presented by the secretary, ballot upon such application, and if accepted by a majority of all votes cast, the secretary shall report the result to the applicant and to the City Council. If there are more applicants than vacancies the candidate receiving the highest number of votes and a majority of all votes cast shall be declared elected to such membership. All new members of the fire department will have a **six (6) month probationary period**, during which time their work performance will be evaluated. **(Ord. No. 95-04; 09-11-95)**

**30-2-24**    **USE OF APPARATUS - INJURY.** No one shall use any fire engine, or any other apparatus, belonging to the City, for any private purpose, other than the extinguishment of fires.

**30-2-25**    **ENTERING FIRE HOUSE.** It shall be unlawful for any person or persons to enter the fire house at any time except on business pertaining to the fire department or the fire apparatus or other City business.

**30-2-26**    **MAY PRESCRIBE LIMITS AT FIRE.** The Fire Chief, assistant Fire Chief, or any member in command, may prescribe limits in the vicinity of any fire, within

which no person excepting those who reside therein, firemen and policemen, and those admitted by order of any officer of the fire department, shall be permitted to come.

**30-2-27 PURCHASES.** The City Council will from time to time, upon the recommendation of the committee on fire and water, procure the necessary fire trucks, fire apparatus and equipment for the use of fire department and provide for the convenient and suitable places for the safe-keeping thereof. The fire department is hereby authorized to take charge of and control of all fire apparatus belonging to the City and such fire apparatus shall be kept in the best of order and condition for immediate use by the officers, persons or company having the same in charge; and such persons or company, when such apparatus may need repair, shall notify the Fire Chief who shall cause all necessary or proper repairs to be made. No truck or other apparatus shall be taken from the building where it is kept, for the purpose of making repairs or alterations, without previous permission from the Fire Chief. The Fire Chief shall not purchase or order any supplies or equipment for the use of the fire department, nor contract any liability on account of the department, to be paid for out of the funds of the department except on a vote of a majority of the members; nor shall he make any purchases over **One Thousand Dollars (\$1,000.00)** or contract any liability to be paid for out of the general funds of the City, without first having obtained the written approval of the City Council. **(Ord. No. 95-04; 09-11-95)**

**30-2-28 IMPERSONATING FIREMEN.** No person not a member of the fire department, shall impersonate a fireman or officer of the fire department.

**30-2-29 FALSE ALARM.** No person shall intentionally give or make a false alarm of fire.

**30-2-30 REMOVAL OF PROPERTY.** The Fire Chief, the assistant Fire Chief or any person in command of the company, shall have power to cause the removal of any and all property, whenever it shall become necessary for the preservation of such property from fire, or to prevent spreading of fire, or to protect adjoining property.

**30-2-31 OBSTRUCTING FIRE DEPARTMENT.** No person shall willfully resist, obstruct or hinder or interfere with any member of the fire department in the performance of his duty in connection with the department, or shall willfully or negligently, in any manner injure, break, or deface any engine, hose, truck, or any fire apparatus belonging to the City.

**30-2-32 OBSTRUCTING HYDRANT.** No person shall, in any manner obstruct the use of any fire hydrant, or have or place any material in front thereof or within **five (5) feet** from either side thereof, any and all material found as an obstruction, as aforesaid, may be forthwith removed by and member or members of the fire department, or by any member of the police department of the City, and at the risk, cost, and expense of the owner or claimant of such property or material so removed.

**30-2-33 DRIVING ON OR OVER HOSE.** No motor vehicle, truck, locomotive, or any other vehicle, shall be driven over any unprotected hose of the fire department, without the consent of the Fire Chief, the assistant Fire Chief or the person in command.

**30-2-34 DUTIES OF POLICE OFFICER IN CASE OF FIRE.** It shall be the duty of all police officers of the City at each fire without delay, to report themselves to the person in command, and remain and be subject to his direction, in preserving and protecting property and in discharging police duty.

**30-2-25 REGULATIONS.** In addition to the foregoing, the following are general rules and regulations to be observed by all firemen.

(A) All firemen shall attend at least **eight (8) regular meetings** and **eight (8) training meetings** per calendar year, unless excused because of work, illness or other emergency.

(B) No one shall tamper with or remove any property from a fire scene without the express consent of the commanding officer.

(C) Upon receiving an emergency alarm all firemen shall proceed to the firehouse, obeying all traffic laws.

(D) Before responding to an emergency alarm, all firemen shall first obtain their complete protective gear from the firehouse. All firemen must be wearing full protective gear before they will be allowed to assist at the scene of any call unless otherwise authorized by the officer in charge at the call.

(E) No fireman shall leave the firehouse in response to a fire or emergency call without a minimum of **two (2) firemen** in the response vehicle or equipment except if in the judgment of that fireman, it presents an extreme emergency.

(F) The appropriate disciplinary action of a fireman who disobeys a direct order or does not fulfill any of the stated by-laws will be voted on by department officers as to the appropriate disciplinary action and such decision shall be reported to the City Council for their consideration and appropriate action.

(G) Each fireman must hold a Class "B" drivers license before operating department equipment. **(Ord. No. 95-04; 09-11-95)**

**30-2-36**    **NON-RESIDENT FEES.**    The charge for services of the Fire Department of the City to non-residents who receive services other than through a mutual aid agreement is **Seventy-Five Dollars (\$75.00)** per vehicle per hour plus **Twenty-Five Dollars (\$25.00)** per firefighter per hour plus reimbursement for any supplies used.    **(Ord. No. 98-99-04; 06-08-98)**

**30-2-37**    **M.A.B.A.S. AGREEMENT.**    The Mayor and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto as Appendix "A" and being made a part hereof.    **(Ord. No. 02-03-09; 03-13-03)**

**30-2-38 - 30-2-40**    **RESERVED.**

## **DIVISION II - ALARM SYSTEMS**

**30-2-41**    **PURPOSE.**    The purpose of this article is to provide effective and efficient service to owners and lessees of private security of fire alarm systems and for the regulation and control of the use of such systems.    **(Ord. No. 61984-85; 12-03-84)**

**30-2-42**    **DEFINITIONS.**    For the purpose of this article, the following words shall have the meaning ascribed to them as follows, except as the context may otherwise require:

**"FIRE ALARM SYSTEM":**    Any device installed in any building or structure or on the site on which such building or structure is located, capable of transmitting a signal to the City Police, Fire Department, or County Sheriff's Department or to a duly licensed alarm agent of a fire in progress in such building or structure or on such premises.

**"SECURITY ALARM SYSTEM":**    Any device installed in any building or structure or on the site on which such building or structure is located, capable of transmitting a signal to the City Police Department or County Sheriff's Department or to a duly licensed alarm agent of any ongoing or attempted intrusion of such building, structure or premise without the consent of the owner.

**"FALSE ALARM":**    Any signal transmitted by a security alarm system or a fire alarm system to which the City Police Department or the Fire Department respond and find no evidence of an unauthorized or attempted intrusion or find no evidence of fire.

**30-2-43 FEES AND CHARGES.** All alarm device users shall be charged by the City, for all false alarms to which the Police and Fire Departments respond during each **twelve (12) month period** commencing **April 1st** of each year, according to the following schedule:

<u>Alarm</u>	<u>Fee</u>
1st	\$ 0.00
2nd	0.00
3rd	100.00
4th and subsequent alarms	500.00

The City Police Department and Fire Department shall maintain a list of all false alarms of each private fire or security alarm user and provide the City Clerk with the list for billing by **April 15th** of each year. If not paid within **thirty (30) days** after billed, the City may elect to remove the alarm device user from the receiving station. **(Ord. No. 95-04; 09-11-95)**

**30-2-44 TESTING EQUIPMENT.** No person shall conduct any test or demonstration of an automatic protection device or signaling device directly connected with the City Police Department, Fire Department, or County Sheriff's Department, without obtaining permission from them.

**30-2-45 PENALTIES.** Any person, firm or corporation who or which violates any of the provisions of this Article shall, in addition to such other remedies as the law may afford, be subject to a fine of no less than **Ten Dollars (\$10.00)** nor more than **Two Hundred Fifty Dollars (\$250.00)**.

**(Ord. No. 61984-85; 12-03-84)**

**ARTICLE III**

**EMERGENCY SERVICES AND DISASTER AGENCY  
(ESDA)**

**30-3-1 ESTABLISHMENT.** There is hereby created the City Emergency Services and Disaster Agency to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "**The Illinois Emergency Services and Disaster Act of 1988**", and any amendments thereto. This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

**30-3-2 COORDINATOR.** The Coordinator of the City ESDA shall be appointed by the Mayor with the advice and consent of the City Council and shall serve until removed by same. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the Mayor, as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code.

**30-3-3 FUNCTIONS.** The ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the "**State ESDA Act of 1988**", and any amendments thereto.

**30-3-4 SERVICE AS MOBILE SUPPORT TEAM.** All or any members of the ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA, as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the ESDA organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State, reasonable compensation as provided by law.

**30-3-5 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.**

The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor.

**30-3-6 EMERGENCY ACTION.** If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

**30-3-7 COMPENSATION.** Members of the ESDA who are paid City employees or officers, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training such compensation as may be established by the Mayor.

**30-3-8 REIMBURSEMENT BY STATE.** The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the City for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the City in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

**30-3-9 PURCHASES AND EXPENDITURES.** The Mayor may, upon recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized on behalf of the City to procure such services, supplies, equipment or materials as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by "**The State ESDA Act of 1988**", and amendments thereto, provided that if the Mayor meets at such time, he shall act subject to the directions and restrictions imposed by that body.

**30-3-10 OATH.** Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States of America, and the Constitution of the State of Illinois and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the ESDA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

**30-3-11 OFFICE.** The Mayor is authorized to designate space in a City building or elsewhere as may be provided for by the Mayor for the City ESDA as its office.

**30-3-12 APPROPRIATION; LEVY OF TAXES.** The Mayor may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed **Five Cents (\$0.05)** per **One Hundred Dollars (\$100.00)** of the assessed value of all taxable property in addition to all other taxes, as provided by "**The State ESDA Act of 1988**", and amendments thereto; however, that amount collectible under such levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita.