

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

30-1-1 **DEFINITIONS.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) **Emergency.**

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or
- (2) Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the City, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B) **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 **DECLARATION.** Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the City Clerk as soon as practicable after issuance.

30-1-3 **CURFEW AUTHORIZED.** After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

30-1-4 **ORDERS AUTHORIZED.** After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

- (A) All actions reasonably necessary to respond to the emergency;
- (B) Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the City; and
- (C) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.
- (D) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(E) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

30-1-5 **DURATION.** The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

30-1-6 **NOTICE.** Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the City:

- (A) The City Hall.
- (B) The Police Station.
- (C) The Post Office.
- (D) In the area of any curfew.

30-1-7 **VIOLATIONS.** Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by **Section 1-1-20** of the City Code.

30-1-8 **EFFECT ON OTHER ORDINANCES.** Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

ARTICLE II – POLICE DEPARTMENT

30-2-1 **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.

30-2-2 **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 be required to live within Brown County at the time of his appointment. All other appointments shall be made by the City Council.

30-2-3 **OATH.** Each policeman shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by law for such officers.

30-2-4 **RANK.** The Chief of Police shall be the head of the department and have supervision over all officers and members thereof.

30-2-5 **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.

30-2-6 **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.

30-2-7 **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.

30-2-8 **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.

30-2-9 **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.

30-2-10 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.

30-2-11 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 discharge³ 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.

30-2-12 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.

30-2-13 STOLEN PROPERTY – CUSTODY OF. The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the City.

30-2-14 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.

30-2-15 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.

30-2-16 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.

30-2-17 RESIDENCY OF POLICE OFFICERS. All police officers, including the Chief of Police, full and part-time, of the City are required to reside within Brown County 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.

30-2-18 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 III - FIRE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-3-1 **DEPARTMENT ESTABLISHED.** There is hereby created and established in the City a fire department, which shall consist of Mt. Sterling Fire Department now organized.

30-3-2 **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)**

30-3-3 **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 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)**

30-3-4 **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 persons 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.

30-3-5 **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.

30-3-6 **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.

30-3-7 **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.

30-3-8 **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. 30-3-15) (Ord. No. 95-04; 09-11-95)**

30-3-9 **OBEDIENCE TO ORDERS.** All firemen in attendance at a fire shall obey the orders of the officer in command at such fire.

30-3-10 **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.

30-3-11 **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.

30-3-12 **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.

30-3-13 **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.

30-3-14 **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.

30-3-15 **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.

30-3-16 **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.

30-3-17 **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.

30-3-18 **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.

30-3-19 **APPOINTMENT; TERM.** The first assistant Fire Chief and second assistant Fire Chief shall hold his office for the term of **one (1) year**.

30-3-20 **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.

30-3-21 **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**)

30-3-22 **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.

30-3-23 **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.

30-3-24 **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.

30-3-25 **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)**

30-3-26 **IMPERSONATING FIREMEN.** No person not a member of the fire department, shall impersonate a fireman or officer of the fire department.

30-3-27 **FALSE ALARM.** No person shall intentionally give or make a false alarm of fire.

30-3-28 **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.

30-3-29 **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.

30-3-30 **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.

30-3-31 **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.

30-3-32 **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.

30-3-33 **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)**

30-3-34 **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 **One Hundred Twenty-Five Dollars (\$125.00)** per vehicle per hour plus **Thirty-Five Dollars (\$35.00)** per firefighter per hour plus reimbursement for any supplies used.

30-3-35 **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)**

30-3-36 - 30-3-40 **RESERVED.**

DIVISION II - ALARM SYSTEMS

30-3-41 **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)**

30-3-42 **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.

30-3-43 **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)**

30-3-44 **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.

30-3-45 **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 IV - EMERGENCY MANAGEMENT AGENCY (EMA)**30-4-1 POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal **emergency management agency**;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS 5/11-1-6**); and
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-4-2 LIMITATIONS. Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-4-3 DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Director** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

30-4-4 EMERGENCY MANAGEMENT AGENCY.

(A) There is hereby created an **Emergency Management Agency** and a Director of the **Emergency Management Agency**, herein called the "Director", who shall be the head thereof. The Director shall be appointed by the Mayor with the advice and consent of the City Council and he/she shall serve for a term of **one (1) year**.

(B) The **Emergency Management Agency** shall obtain, with City Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The Director, subject to the direction and control of the Mayor, shall be the executive head of the Municipal **Emergency Management Agency**, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He/She shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government. The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, 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 by the Director, the Deputy Director shall serve and if he/she is not able to serve then the Mayor or any persons designated by him/her, shall be and act as Director until a new appointment is made as provided in this Code.

(D) The Municipal **Emergency Management Agency** shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal **Emergency Management Agency** shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal **Emergency Management Agency** shall:

- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;

- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois **Emergency Management Agency**;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-4-5

EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) **Management Agency** The Mayor shall have the general direction and control of the **Emergency Management Agency** and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his/her duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his/her duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him/her.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the county, state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
 - (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.

- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the **Emergency Management Agency** as its office.

30-4-6 FINANCING.

(A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he/she shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-4-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the City Council meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

30-4-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held on each Tuesday at **10 o'clock** in the morning.

30-4-9 **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**

The Director for emergency management operations may, in collaboration with other public agencies within his/her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-4-10 **COMMUNICATIONS.** The local **Emergency Management Agency** shall

ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-4-11 **IMMUNITY.** Neither the municipality, the agency or any member thereof or

any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-4-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is

described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the Director of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-4-13 **APPROPRIATIONS AND LEVY OF TAX.** The City Council may make

appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also, pursuant to **65 ILCS 5/8-3-16**, levy for emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-4-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.**

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-4-15 **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The **Emergency Management Agency** established pursuant to this Code, and the Director thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois **Emergency Management Agency Act**. The local **Emergency Management Agency** shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State **Emergency Management Agency** shall furnish such orders, rules and regulations to the agency.

30-4-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In

carrying out the provisions of this Code, the Mayor and the Director of the **Emergency Management Agency** are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the Director and the **Emergency Management Agency**.

30-4-17 **NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his/her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-4-18 **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law during an emergency, the Director of the **Emergency Management Agency** shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

30-4-19 **COMPENSATION.** The **Emergency Management Agency** Director and Deputy Director shall receive a salary as established by the Mayor and City Council. Other members of the **Emergency Management Agency** who are paid employees or officers of the City, if called for training by the State Director of the **Emergency Management Agency**, 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 time, such compensation as may be established by the Mayor and City Council.

30-4-20 **DEPUTY DIRECTOR.** The Deputy Director of the City **Emergency Management Agency** shall be appointed by the Mayor with the advice and consent of the City Council. The Deputy Director shall be under the direction of the **Emergency Management Agency** Director. The Deputy Director shall assist the Director as necessary. In the event of the absence, resignation, death or inability of the Director to serve, Deputy Director shall be and act as Director.

30-4-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal **Emergency Management Agency**, shall, before entering upon his/her duties, take an oath, in writing, before the Director of the municipal **Emergency Management Agency** before a person authorized to administer oaths in this municipality, which oath shall be filed with the Director of the **Emergency Management Agency**, and which oath shall be substantially as follows:

"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 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 City, 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."

30-4-22 **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-4-23 **MOBILE SUPPORT TEAM.** All or any members of the City EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.
The leader of such Mobile Support Team shall be designated by the Director of the City EMA 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.

30-4-24 **PENALTY.** Any person convicted of violating this Code or any order thereunder, shall upon conviction, be fined as provided in **Section 1-1-20** of this Code.

(See 20 ILCS 3305/1 et seq.)