

## CHAPTER 30

### PUBLIC SAFETY

#### ARTICLE I - CIVIL EMERGENCY

##### **30-1-1**      **DEFINITIONS.**

**"CIVIL EMERGENCY"** is hereby defined to be:

(A)            A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or

(B)            Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village resulting in 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.

**"CURFEW"** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2**      **DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

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

**30-1-4**      **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

(A)            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.

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

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

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

(E) Issue such other orders as are imminently necessary for the protection of life and property.

**30-1-5** **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

**30-1-6** **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the Village and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- (A) The Village Hall.
- (B) The Post Office.
- (C) The Police Station.

**(See 65 ILCS Sec. 5/11-1-6)**

## **ARTICLE II - POLICE DEPARTMENT**

### **DIVISION I – DEPARTMENT ESTABLISHED**

**30-2-1**     **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the Police Department. It shall embrace the Village Board standing committee on Police, one Chief of Police and such other, regular patrolmen as the Village Board may hereafter, from time to time, provide for and also such special policemen as the Mayor, in accordance with the provisions of this Chapter, may appoint and commission.

**30-2-2**     **APPOINTMENT.** The Chief of Police shall be appointed by the Mayor, by and with the advice and consent of the Village Board, until his successor is appointed and qualified. He shall become a Village resident within the time established by the Village Board. **(See 65 ILCS Sec. 5/3-14-1) (Ord. No. 90-09; 10-10-89)**

**30-2-3**     **HEAD OF DEPARTMENT.** The Chief of Police of the Village shall be the head of the Police Department, subject to the orders of the Mayor and Village Board.

**30-2-4**     **SALARY.** He shall receive such compensation as may be provided by the ordinances of the Village, or by resolution of the Board.

**30-2-5**     **DUTIES.**

(A)         The Chief of Police shall devote his entire time to the performance of the duties of his office, and is hereby charged with the preservation of the peace, order and safety of the Village, and with the duty of protecting the rights of persons and property, and of enforcing all laws and also all orders of the Village Board.

(B)         He shall take notice of all nuisances, obstructions and defects on the highways, or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer, whose duty it may be to take action in relation thereto.

(C)         He shall attend, either in person or by deputy, all meetings of the Village Board, execute all its orders and close the Board chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village.

**30-2-6**     **MUTUAL AID CONTRACT.** The Police Department, with the approval of the Village Board may enter into an agreement to provide police protection to neighboring municipalities.

**30-2-7**     **APPOINTMENT OF PATROLMEN.** A sufficient number of patrolmen shall be appointed by the Village Board, and shall each, before entering upon the performance of their duties, take the oath or affirmation required by law and execute a bond with security to be approved by the Village Board in the penal sum of **Two Thousand Dollars (\$2,000.00)**, conditioned for the faithful performance of the duties of their respective offices, and the payment by each office of all monies received by him, according to law and the ordinances of the Village, which bonds shall be filed in the office of the Village Clerk.

**30-2-8**     **SPECIAL POLICEMEN.** The Mayor may, on special occasions, when in his judgment for public peace and order of the Village shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall be subject to the consent of the Village Board in the manner that other appointments to office by the Mayor are subject.

**30-2-9**     **ENFORCEMENT OF LAWS.** Each and every member of the police force, when on duty, shall devote his entire time to the proper discharge of the duty of his station according to law and the ordinances of the Village and the rules and regulations of the Police Department; and it shall be his duty to preserve at all times the order, peace and quiet of the Village and to enforce the ordinances thereof.

**30-2-10**    **EXECUTE WARRANTS.** Every member of the Department shall have power, within the corporate limits of the Village to serve and execute warrants or other legal process for the apprehension and commitment of persons charged with or held for the commission of any crime or misdemeanor, or the violation of any law or ordinance of the Village; and while so serving or executing or assisting in the service of execution of any such warrant or legal process, he shall be vested with all the common law and statutory powers of policemen for such purposes.

**30-2-11**    **LEGAL PROCESSES.** All police shall have the power and authority to execute Village warrants, or other like legal process, without the corporate limits of the Village and within such distance therefrom as authorized by law, in all cases when any

ordinance of the Village Board made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the Village.

**30-2-12 ASSISTING POLICE OFFICER.** Every police officer of the Village may, at any time, call upon any able-bodied male person above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

**30-2-13 AIDING FIRE DEPARTMENT.** Every police officer shall aid the Fire Department by giving the alarm in case of fire, and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

**30-2-14 FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by the Code of the Village, or the rules and regulations of the Department, or who shall, in the discharge of his official duties, be guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

**30-2-15 AIDING IN ESCAPE.** It shall be a misdemeanor for any person in this Village to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Force to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

**30-2-16 USE OF INTOXICATING LIQUOR.** No member on active tour of duty or while wearing the official policeman's badge of the Village shall indulge in the use of intoxicating liquor of any kind, and intoxication at any time shall be sufficient cause for removal.

**30-2-17 WITNESS FEES.** Any 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 Village is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the Village Treasurer.

**30-2-18      PART-TIME PATROLMEN.**

(A)            The Village Board, in its continual effort to provide the residents of the Village with adequate police protection for themselves and their property, realize and recognize the need to hire both full-time and part-time police officers. The need may be to fill vacancies in, maintain or expand as needed, the Police Department.

(B)            In as such the Village accepts applications for these positions. These applications are turned into and maintained by the Chief of Police of the Police Department. The applications are to be kept on file for **six (6) months**. When vacancies arise, the Chief of Police will present names/applications to the Village Board for consideration.

(C)            Individuals may be hired by majority vote of the Village Board. The person hired shall possess all training as required by the Illinois Law Enforcement Training Board and the State of Illinois or be eligible to be enrolled in the required training.

(D)            All potential hires shall undergo a police background check and shall be of good moral character. These conditions shall be maintained during employment.

(E)            Anyone hired as a part-time police officer does not acquire tenure and may be terminated/discharged with or without reason or cause. His employment shall be at the discretion of the Village Board also. His employment as a part-time police officer does not give him rights to any full-time position that may arise.

**30-2-19 - 30-2-24      RESERVED.**

**(See 65 ILCS Sec. 5/11-1-2)**

## **DIVISION II - AUXILIARY POLICE**

**30-2-25 APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **twenty-one (21) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the Village Board. Residency in the Village is not required. **(Ord. No. 11-02; 03-08-11)**

**30-2-26 NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this Village. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police. Members of the auxiliary are not conservators of the peace and may only exercise the powers outlined in **Section 30-2-27** when ordered to do so by and under the direct supervision of a member of the Regular Police Department. **(Ord. No. 06-11; 11-28-06)**

**30-2-27 POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

- (A) To aid or direct traffic in the Municipality.
- (B) To aid in control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.
- (E) To arrest or cause to be arrested with or without process all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State.
- (F) To commit arrested persons for examination.
- (G) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper magistrate.
- (H) To serve and execute all warrants for the violation of municipal ordinances, or the State Criminal Law, within the corporate limits of the Village, and also on any property owned and controlled by the Village beyond its corporate limits and for this purpose, to have all the common law and statutory power of sheriffs.

**(Ord. No. 11-02; 03-08-11)**

**30-2-28 FIREARMS PROHIBITED.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

**30-2-29 TRAINING.** Auxiliary policemen, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this Code. The training and course of study shall be determined and provided by the Chief of Police, and in accordance with training and standards required by the ILETSB. **(Ord. No. 11-02; 03-08-11)**

**30-2-30 COMPENSATION.** Auxiliary policemen may receive compensation as provided by the Village Board.

**(See 65 ILCS Sec. 5/3.1-30-20)**



## **ARTICLE III - FIRE DEPARTMENT**

**30-3-1**     **DEPARTMENT ESTABLISHED.** There shall be and is hereby created and established a Volunteer Fire Department consisting of the following: **one (1) Chief, one (1) Assistant Chief, two (2) Captains, two (2) Lieutenants, fifteen (15) Firefighters, and one (1) Secretary/Treasurer.** The operation of the said Department shall be accomplished using the Modern Management Technique whereby the Board of Trustees shall be the Executive Administrators and Policy-Makers and the Fire Chief is given the clear authority to be the General Manager of the Department.

**30-3-2**     **FIRE CHIEF APPOINTED.** When required, the Board of Trustees shall appoint by majority vote **one (1) Fire Chief, and one (1) Assistant Fire Chief.**

**30-3-3**     **QUALIFICATIONS OF FIRE CHIEF.** The Fire Chief shall be a citizen over the age of **twenty-one (21) years**, of good moral character, and shall be physically fit; he shall have the ability to command men and to hold their respect and confidence. He must hold an Illinois State Fire Marshal's Firefighter II Certification. He shall be appointed for an indefinite period of time, and his tenure shall lie with the discretion of the Village Board of Trustees. He shall be removed from office at the discretion of the Village Board. The Fire Chief shall have the control of the Department and all fire apparatus belonging to the Village; whenever any fire apparatus needs repairing, the Fire Chief shall cause the same to be done without delay.

**30-3-4**     **QUALIFICATIONS OF ASSISTANT CHIEF.** The Assistant Fire Chief shall be at least the age of **twenty-one (21) years**, of good moral character, and shall be physically fit; he shall have the ability to command men and to hold their respect and confidence. He must hold an Illinois State Fire Marshal's Firefighter II Certification. He shall be appointed for an indefinite period of time, and his tenure shall lie with the discretion of the Village Board of Trustees. He shall be removed at the discretion of the Village Board.

**30-3-5**     **CONTROL OF THE DEPARTMENT.** The Fire Chief, or in his absence, the Assistant Fire Chief, shall in all cases of fire or fire alarm have sole and absolute control of the Fire Department, including the subordinate officers, members, drivers, trucks, and all equipment and conduct the management of the same from the time of the sounding of the fire alarm until he gives the order to disburse. He shall be implicitly obeyed by said officers and members. Either the Fire Chief or the Assistant Fire Chief shall designate which members shall serve as drivers of said Fire Department.

**30-3-6 FIRE CHIEF'S APPOINTMENTS.** The Fire Chief shall appoint **two (2)** Fire Captains, **two (2)** Fire Lieutenants, **fifteen (15)** Firefighters, and **one (1)** Secretary/Treasurer. All firefighters certified to the Firefighter II level or above will be designated "**PAID ON CALL**" firefighters. Firefighters not certified to the Firefighter II level will be called "**VOLUNTEER**" firefighters and must become certified at least to the Firefighter I level. Rookie firefighters will become Volunteer Firefighters at the time they are certified at the basic Firefighter I level as established by the Illinois State Fire Marshal, Division of Personnel Standards. The Fire Chief will determine on an individual basis the time span allowed before Certification of Firefighter I and/or Firefighter II is required. Failure to comply within the specified time can be considered just cause for removal. It has been the policy of the Village to compensate volunteer firefighters their services. To generate an incentive for community service, the Fire Chief shall enhance this compensation program with specific rates for paid on call, volunteer and rookie firefighters, including recompense for training, meetings and work details. As in the past the total stipend paid to firefighters shall commensurate with individual service.

**30-3-7 ENFORCEMENT OF ORDINANCES.** The Fire Chief or in his absence, the Assistant Fire Chief, shall also hold the office of Fire Marshal. The Fire Marshal shall be charged with the enforcement of all ordinances aimed at fire prevention and shall have full authority to inspect all premises and cause the removal or abatement of all fire hazards.

**30-3-8 ASSISTANT'S DUTIES.** The Assistant Fire Chief in addition to his duties heretofore provided for, it shall be his duty to see that all fire equipment including trucks, hose, coats, pants, helmets, caps, boots, radios, monitors, and any other equipment that the Fire Department may now have or may hereinafter acquire is kept in first class condition. As directed by the Chief, he shall have charge of all written examinations and practical tests governing the advancement of Department personnel.

**30-3-9 CAPTAIN'S QUALIFICATIONS.** The Fire Captains shall be citizens over the age of **twenty-one (21) years**, of good moral character, and shall be physically fit. They may be removed only for just cause by the Fire Chief, with the approval of the Board of Trustees. They must be certified to the Firefighter II level. In addition to their duties hereinbefore provided, it shall be the duties of the Fire Captains to see that all members of the Fire Department are available for calls and shall keep an accurate record of pertinent information including addresses and phone numbers of the said members. They shall assist the Training Officer and Certified Fire Service Instructors as "**Drill Masters**" with the task of training departmental personnel. Upon the absence of the Chief and Assistant Chief, the Captains per seniority will assume command.

**30-3-10 LIEUTENANT'S QUALIFICATIONS.** The Fire Lieutenants shall be citizens over the age of **twenty-one (21)**, of good moral character, and shall be physically fit. They may be discharged by the Fire Chief only for just cause with the approval of the Board of Trustees. The Lieutenants must be certified to the minimum level of Firefighter II. In the absence of the Fire Chief, Assistant Fire Chief, or Captains, they shall per seniority in all cases of fire alarm have sole and absolute control of the Fire Department, including subordinate members, drivers, trucks, all equipment and conduct the management of the same for the time of the sounding of the alarm until they give the order to disburse. They shall supervise crews in firefighting tactics, and shall be in charge of all equipment and maintenance of same and shall keep an accurate records of inventory of all equipment and gear issued to firefighters and shall be held responsible for the accounting of the same. **One (1)** Lieutenant slot shall be reserved for a Certified Fire Service Instructor position.

**30-3-11 VOLUNTEER'S QUALIFICATIONS.** All Volunteer Firefighters shall be citizens of good moral character, be physically fit, and must obtain a minimum Certification at the Firefighter I level within a time specified by the Fire Chief. A firefighter candidate must be at least **sixteen (16) years** old, however, he shall not perform actual firefighting until the age of **eighteen (18)** and is granted permission to do so by the Chief.

**30-3-12 ROOKIE'S QUALIFICATIONS.** Rookie Firefighters shall have the same qualifications and requirements and shall be appointed in the same manner as Volunteer Firefighters. No rookie firefighter shall perform actual firefighting duties until they reach the age of **eighteen (18)** and are granted permission to do so by the Chief.

**30-3-13 SECRETARY/TREASURER'S DUTIES.** The Secretary/Treasurer shall be a citizen of good moral character and shall be physically fit. He or she shall have had some experience in office and clerical work and shall be bookkeeper and paymaster of the Fire Department. In addition thereto he or she shall attend all meetings, keeping recording – including attendance -- and perform all clerical work and do such other acts and duties as may from time to time be delegated by the Fire Chief or Assistant Fire Chief.

**30-3-14 DISCHARGE OF FIREMEN.** The Fire Chief, with the approval of the Board of Trustees, may at any time discharge any member of the Fire Department, except the Assistant Fire Chief, for cause shown.

**30-3-15 INCIDENT COMMANDER SYSTEM PROCEDURE.** The **Incident Command System** shall be an integral part of the overall management of the Fire Department. An Incident Command Standing Operating Procedure (I.C.S.O.P.) will be made available to all Fire Department personnel. All personnel shall receive Incident Command Training at least once each year. Attendance is mandatory at such sessions.

**30-3-16 INCIDENT COMMANDER'S DUTIES.** The Incident Commander at the scene is responsible for ensuring that all relevant information required for reporting purposes is routed to either the Fire Chief or Assistant Fire Chief as soon as possible.

**30-3-17 HONORARY RETIRED LIST.** Any member of the Fire Department may at the sole discretion of the majority vote of the Board of Trustees be placed on the Honorary Retired List. He shall have all the privileges of the Fire Station Recreation and Social Functions. He may attend drills and special event gatherings. He will not be covered by any Fire Department Liability Insurance nor will he be compensated in any way as an active fireman.

**30-3-18 ANNUAL REPORT.** The Fire Chief shall make a complete annual report to the Board of Trustees within **one (1) month** of the close of each fiscal year, such report to include the record of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department, together with comparative data for previous years and recommendations for improving the effectiveness of the Energy Fire Department.

**30-3-19 EQUIPMENT.** The Fire Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire and/or disaster.

**30-3-20 RECOMMENDATIONS.** Recommendations for fire fighting apparatus and other major expenditures shall be made by the Fire Chief, and after approval by the Board of Trustees, shall be purchased in such manner as may be designated by the Board of Trustees. Equipment and operating supplies shall be purchased as needed.

**30-3-21 AGREEMENTS.** The Board of Trustees is hereby authorized to enter into agreements or contracts, with individuals or with nearby incorporated communities or governing bodies of other organizations, to provide the members of such communities or organizations with fire protection or to establish a mutual aid system.

**30-3-22 APPARATUS HIRED OUT PROHIBITED.** No apparatus shall be hired out or permitted to leave the fire stations except in response to call for aid by reason of previous agreement or contracts without the consent of the officer in charge. The officer in charge of the Fire Department or the Incident Commander shall have power to assign equipment or response to calls for outside aid and in other cases only when the absence of such equipment will not jeopardize protection within the Village.

**30-3-23 BADGE.** Each member of the Department shall be issued a badge designating his rank and identification number.

**30-3-24 MEETINGS.** Meetings shall be held twice each month for the purpose of: (1) a regularly scheduled business meeting; and (2) for training. The business meeting will be held the **first (1<sup>st</sup>) Monday** of each month at **7:00 P.M.** A training session will be conducted at **6:00 P.M.** on the **third (3<sup>rd</sup>) Monday** of each month. Attendance is required for all members of the Department. Fire Department Personnel absent from **four (4)** consecutive fire calls, meetings, or training sessions, unless excused by the Chief or Assistant Chief, shall be considered just cause for dismissal from said Department. Each member of the Department must attend a minimum of **nine (9)** training sessions each year.

**30-3-25 EQUIPMENT.** The Village shall provide members turn-out gear including: bunker coat, bunker pants, helmet, boots, and gloves. This equipment must be worn when responding to every incident, and be brought to all training sessions or drills. The dress uniform provided by the Municipality shall be worn to every official departmental function, including training and work sessions. The departmental T-shirt shall be worn when engaged in training activities or work sessions.

**30-3-26 PRESCRIBED UNIFORM.** When in uniform the personal appearance of each member should convey professionalism and pride in the Energy Fire Department. Shoes worn with the uniform must be appropriate, tennis shoes shall not be worn; black dress or work shoes are recommended.

**30-3-27 SELF-CONTAINED BREATHING APPARATUS.** Safety dictates that no individual shall wear hair (either facial or head) that would compromise the proper usage and effectiveness of the self-contained breathing apparatus. The Fire Chief shall set a standard that all personnel must adhere to regarding this matter. Noncompliance of this standard is just cause for dismissal.

**30-3-28 ON-GOING TRAINING.** Training is the foundation upon which an effective Fire Department is built. Every firefighter, from the Rookie to the Executive Officer requires on-going training to keep abreast of the administrative and technical changes often encountered in the Fire Service. The Fire Chief shall appoint a Training Officer to manage the Training Program.

**30-3-29 TRAINING OFFICER.** The Training Officer shall hold the rank of Captain or above and must ensure that adequate training is conducted for all members of the Department, and that these members attend the required sessions. It is recommended that the said Training Officer be certified at least to the Fire Instructor I level.

**30-3-30 LIEUTENANT – FIREFIGHTER II.** The Department shall reserve **one (1)** Lieutenant slot for an individual certified as a Firefighter II, who is capable of and demonstrates the desire to teach and is willing to become certified as a Fire Service Instructor I. The Municipality shall cover course costs including lodging and meals for classes attended at the Illinois Fire Service Institute. A reimbursement request to recover the above costs shall be submitted to the Illinois State Fire Marshal's Office. Under the direction of the Training Officer, this Lieutenant shall provide all required departmental training.

**30-3-31 USE OF APPARATUS.** No person shall use any fire engine, hose, emergency generators, or any other equipment or apparatus belonging to the Village for any private purpose, other than the extinguishment of fires or other emergency use or whoever shall remove the same or any part thereof from its place of deposit, or having control thereof, shall permit such items to be used for any private purpose.

**30-3-32 ENTERING FIRE HOUSE.** It shall be and is hereby declared unlawful for any unauthorized person or persons to enter the Fire Department Stations or any place where the equipment and apparatus of the Fire Department is stored, at any time, except on business pertaining to the Fire Department or other Village business.

**30-3-33 OUTSIDE FIRE PROTECTION.** Unless waived by the Fire Chief or Assistant Fire Chief, the charge for fire calls made outside the Village limits shall be **One Thousand Five Hundred Dollars (\$1,500.00).**

**30-3-34 APPLICATION FOR MEMBERSHIP.** Application for membership in the Fire Department must be made in writing on prescribed forms to be obtained from the Secretary/Treasurer. Approval for membership will occur with the recommendation of the

Fire Chief or in his absence the Assistant Fire Chief and the consent of the Board of Trustees. Applicants must be at least **sixteen (16) years** of age and if under the age of **eighteen (18)** must have the written approval of their parent or legal guardian before participating in any actual firefighting activities.

**30-3-35**     **MABAS AGREEMENT.** The Mayor and the Board of Trustees have determined that it is in the best interests of the Village and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster and to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster. **(See Appendix "A") (Ord. No. 04-14; 09-28-04)**

**30-3-36**     **HAZARDOUS MATERIAL SPILL CHARGES.**

(A)     **Responding to Hazardous Waste Accidents.** The Fire Department is authorized and directed to respond, immediately upon being notified, and to do all things within its capabilities to contain, remove and dispose of any materials hazardous to public health and safety that is leaked, spilled or otherwise improperly released within the Village's response area.

(B)     **Contracting Special Personnel.** Should such response require the services of special personnel and equipment beyond the capabilities of the Fire Department to provide, the Chief of the Fire Department is authorized to obtain or to contract for the services of personnel or equipment sufficient to contain, remove and dispose of such hazardous materials or materials in general.

(C)     **Billing Responsible Party.** The cost incurred for the use of such special personnel and equipment, in addition to the cost of the use of Village personnel and equipment, shall be charged to the person, firm or organization, jointly and severally, in possession of, in the process of transporting or otherwise responsible for the containment of any hazardous material or other material spilled, leaked or otherwise improperly released.

(D)     The amount of the costs incurred by the Fire Department from the use of special personnel and equipment is the amount to be charged to the person, firm or organization designated in paragraph (C) hereof. In addition, such person, firm or organization shall be charged for the use of Village personnel, equipment and materials as follows:

- (1) Pumper Truck - \$300.00 per hour
- (2) Aerial Ladder Truck - \$300.00 per hour
- (3) Communications Unit - \$300.00 per hour
- (4) Hazardous Materials Truck - \$300.00 per hour
- (5) Off-Duty Personnel Call Back - Hourly overtime rate + 30%
- (6) Other Personnel - \$35.00 per hour
- (7) Materials - Cost of Replacement
- (8) Other Equipment - Regular Hourly Rate

**(Ord. No. 2007-05; 11-13-07)**

**(Ord. No. 1997-5; 06-24-97)**

## ARTICLE IV

### EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

#### **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 services and disaster agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster 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 Village Board 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)            **Coordinator** 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 SERVICES AND DISASTER AGENCY.**

(A) There is hereby created an emergency services and disaster agency and a coordinator of the emergency services and disaster agency, herein called the "Coordinator", who shall be the head thereof. The Coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Services and Disaster Agency shall obtain, with Board 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 Coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this Municipality. He shall coordinate the activities of all organizations for emergency services and disaster 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.

In the event of the absence, resignation, death, or inability to serve by the Coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Services and Disaster 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 services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Services and Disaster 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 SERVICES AND DISASTER POWERS OF THE MAYOR.**

(A) The Mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his 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 services and disaster operations defined in this Code.

(C) In performing his 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.
- (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 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 services and disaster 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 services and disaster agency as its office.

**30-4-6      FINANCING.**

(A) It is the intent of the Village Board 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 Village Board'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 shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board

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 Village Board 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 Village Board 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 Village Board. 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 Village Board. 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 Village Board meets at such time, he 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 only on the **first (1<sup>st</sup>) Tuesday** of each month at **10 o'clock** in the morning.

**30-4-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.** The Coordinator for Emergency Services and Disaster operations may, in collaboration with other public agencies within his 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

and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-4-10 COMMUNICATIONS.** The local Emergency Services and Disaster 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 multi-purpose 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 services and disaster 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 Coordinator 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 Village Board may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for emergency services and disaster 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 Village Board, may accept such offer and upon such acceptance the Mayor or the Village Board 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 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 Services and Disaster Agency established pursuant to this Code, and the Coordinator 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 Services and Disaster 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 coordinator of the emergency services and disaster 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 coordinator and the emergency services and disaster agency.

**30-4-17 SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without

the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

**30-4-18**     **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 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.

**30-4-19**     **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the Coordinator of the emergency services and disaster agency shall succeed to the duties and responsibilities of the Mayor.

**30-4-20**     **COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the Coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

**30-4-21**     **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the Coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this Municipality, which oath

shall be filed with the Coordinator of the Emergency Services and Disaster 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 Village, 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 Village Board, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

**(See 20 ILCS Sec. 3305/1 et seq.)**