

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCIES

30-1-1 DEFINITIONS. For the purpose of this chapter, the **following** definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL EMERGENCY.

(A) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force is accompanied by immediate 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. 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.

(Former Code, § 30-2-1)

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

30-1-3 CURFEW. After proclamation of a civil emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he or she deems 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. (Former Code, § 30-2-3)

30-1-4 AUTHORITY OF MAYOR TO ISSUE ORDERS. After the proclamation of a civil emergency, the Mayor of the Village 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 liquid flammable 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.

(Former Code, § 30-2-4)

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 re proclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists. (Former Code, § 30-2-5)

30-1-6 NOTIFICATION. Upon issuing the proclamation herein authorized, the Chief of Police 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 Township Hall.

(Former Code, § 30-2-6)

30-1-7 RIOTS. Whenever the Police Department shall find it impossible or shall have insufficient power to suppress riots, routs, disorderly or unruly assemblies, or to maintain the public peace and tranquility and suppress disorder, and the Mayor is satisfied that the situation has passed beyond the control of the Police Department, it shall be the duty of the Mayor to notify the Governor of the State of Illinois and to obtain the aid of the State of Illinois. (former Code, § 30-2-7)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - GENERAL PROVISIONS

30-2-1 DEPARTMENT ESTABLISHED. There is established a department of the municipal government of the Village which shall be known as the Police Department. The Police Department shall consist of a Chief of Police and such number of commissioned police officers as may be provided from time-to-time by the Village Board. It shall also include such auxiliary police officers as the Mayor, in accordance with the provisions of this Chapter, may appoint and commission. (Former Code, § 30-1-1)

30-2-2 WORKING HOURS.

(A) The normal scheduled workweek will be **forty (40) hours** for each full-time employee, including paid sick days and paid holidays.

(B) The workweek for each employee will be from **12:01 a.m. Monday to midnight (12:00)** the following Sunday.

(C) The work schedule for Police Officers may require shift hours. When required to work in excess of **forty (40) hours** per week, work performed will be actual time worked to the nearest **five (5) minutes** and will be paid as overtime at the rate of time and one-half. When called out from home, a minimum of **two (2) hours** call-out time will be paid; however, working past quitting time will be actual time worked.

(D) An employee may elect to accept compensatory time in lieu of overtime, vacation, or holiday pay pursuant to the provisions of this Division. "Compensatory time" is defined as hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at the employees regular rate. (29 USC 207 (o)(6)(B))

- (1) All compensatory time will be provided at rate of time and one-half for each hour of overtime, vacation, or holiday pay. (Examples: **One (1) hour** of overtime payable at time and one-half would yield **one and one-half (1 ½) hours** of compensatory time. **One (1) hour** of unscheduled Sunday or holiday time payable at double time or double time and one-half would also yield **one and one-half (1 ½) hours** of compensatory time with no additional compensation being paid.)
- (2) The employee shall notify the supervisor of his or her intent to select compensatory time no later than the day after the overtime was acquired or the day payroll is due to be submitted, whichever is earlier.
- (3) If the supervisor approves the request for compensatory time, such approval shall be in writing and a copy provided to the employee, payroll clerk and the Village Administrator's office.
- (4) The employee must take the compensatory time within **four (4) weeks** following the week in which the time was earned. Compensatory time may not be taken within the same week as earned. If the employee is unable to use the compensatory time

within the allotted time frame, he or she will automatically receive the overtime, vacation, or holiday pay for the time earned and the requested compensatory time will be removed from the records.

- (5) The Village is under no obligation to grant any requested compensatory time and in the event that the supervisor, in his or her sole discretion, decides that the employee is needed on the job, the supervisor may so inform the employee and the employee shall remain on duty and shall receive payroll compensation as provided in the above section, or may request alternate day(s) to receive compensatory time within the allotted time period. The Village shall have full discretion as to the approval and use of compensatory time and the decision of the Village to have an employee available during regular working hours supersedes the right of an employee to claim any accumulated compensatory time in lieu of payroll compensation.
- (6) Any employee may not accumulate more than **sixteen (16) hours** of compensatory time.

(Ord. No. 862; 08-21-95)

30-2-3 - 30-2-9 RESERVED.

DIVISION II - CHIEF OF POLICE

30-2-10 **APPOINTMENT.** The Chief of Police shall be appointed by the Mayor, with the advice and consent of the Village Board, and shall hold office until his or her successor is appointed and qualified. The appointment shall be made at the first meeting in the month of May in a village election year. (Former Code, § 30-1-3)

30-2-11 **QUALIFICATIONS.** Minimum qualifications for the position of Chief of Police shall be an Associate Degree in Law Enforcement, successful completion of the State of Illinois required Police Academy and/or an equivalent accredited academy acceptable to and approved by the Illinois Police Training Board, and have at least **six (6) years** of police administration/supervisory experience. Candidates shall also be required to successfully pass an oral, psychological, background, and medical exam. (Former Code, § 30-1-4)

30-2-12 **ORGANIZATIONAL POSITION.** The Chief of Police shall receive direction from and be subject to the orders of the Mayor and Village Administrator, pursuant to the Village Organizational Chart. (Former Code, § 30-1-5)

30-2-13 **AUTHORITY.** The Chief of Police is the Chief Executive Officer of the Department and the final departmental authority in all matters of policy, operations, and discipline. He or she exercises all lawful powers of his or her office and issues such lawful orders as are necessary to assure the effective performance of the Department. (Former Code, § 30-1-6)

30-2-14 **RESPONSIBILITIES.** Through the Chief of Police, the Police Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. He or she is responsible for planning, directing, coordinating, controlling, and staffing all activities of the Department, for its continued and efficient operations, for the enforcement of rules and regulations within the Department, and for the Department's relations with the citizens of the village, of the village government, and of other agencies. (Former Code, § 30-1-7)

30-2-15 **RULES AND REGULATIONS.** The Chief of Police shall make and enforce such rules and regulations as he or she shall deem advisable; such rules, when approved by the Village Board shall be binding on the members of the Police Department. The rules and regulations collectively will be kept in a binder and shall be known as the "Police Policy Manual." The rules and regulations may cover, besides the conduct of the members, the following topic areas:

- (A) Law enforcement role, responsibilities, and relationships;
- (B) Organization, management, and administration;
- (C) The personnel structure;
- (D) The personnel processing;

(E) Police operations;
(F) Operations support;
(G) Traffic operations;
(H) Prisoner and court-related activities;
(I) Technical services and all other matters necessary or desirable for the better efficiency of the Department.
(Former Code, § 30-1-8)

30-2-16 **SALARY.** The Chief of Police shall receive such compensation as may be provided by ordinance or resolution of the Village Board.

30-2-17 **REMOVAL.** The Chief of Police may be removed from office for just cause pursuant to the provisions of **Section 12-2-55** of this Code.

30-2-18 - 30-2-19 **RESERVED.**

DIVISION III - COMMISSIONED OFFICERS

30-2-20 **APPOINTMENT.** A sufficient number of police officers full and part-time shall be appointed by the Mayor, by and with the consent of the Village Board, and shall severally hold office from year-to-year, or until the appointment of their respective successors, and shall each, before entering into the performance required by law, execute a bond with security to be approved by the Village Board in the penal sum of **Two Thousand Dollars (\$2,000)**, conditioned for the faithful performance of the duties of their respective offices, and the payment by each office of all moneys received by him or her, according to law and the ordinances of the Village, which bonds shall be filed in the office of the Village Clerk. (Former Code, § 30-1-14)

30-2-21 **QUALIFICATIONS.**

(A) Minimum qualifications to make application for the position of a full-time or part-time commissioned police officer shall be high school diploma or equivalent and successful completion of a State of Illinois authorized mandatory police academy and current certification by the "Illinois Local Governmental Law Enforcement Officers Training Board." Appointments to the position of full-time and part-time commissioned police officer shall also require applicants to successfully pass a written, oral, physical fitness and agility, and psychological exams as well as background and medical examination pursuant to the Police Department Policy Manual.

(B) Minimum qualifications to make application for the position of Senior Police Officer shall require the applicant to be a full-time commissioned police officer qualified under division (A) of this Section. The applicant must also have **twelve (12) years** of service as a Village police officer or have reached Step 12 of the Village salary step scale. The applicant must pass a written and oral examination as recommended by the Police Committee and approved by the Village Board of Trustees. A nationally recognized testing service company (for example, the International Personnel Management Association or Standard Associates Inc.) shall provide the written exam. Requisite passing scores shall be determined by national standards as set by the testing service unless expressly overridden by the Village Board. An Oral Examination Board consisting of the Village President, Village Administrator, Chief of Police, and at least **two (2) members** of the Police Committee shall administer the oral exam. The Police Committee Chairman shall chair the Oral Examination Board.
(Former Code, § 30-1-15) (Am. Ord. 908, passed 10-6-97)

30-2-22 **ORGANIZATIONAL POSITION.** Commissioned police officers, full or part-time, shall receive direction from and are subject to the orders, policies, and rules and regulations as set forth by the Chief of Police. Commissioned police officers, full or part-time, report to the Chief of Police pursuant to the organizational chart. (Former Code, § 30-1-16)

30-2-23 **RESPONSIBILITIES AND AUTHORITY.** All commissioned police officers shall devote their entire time to the performance of the duties of their office and are charged with the preservation of the peace, order, and safety of the Village, with the duty of protecting the rights of persons and property and of enforcing all laws.
(Former Code, § 30-1-17)

30-2-24 **DUTIES, RULES OF CONDUCT, AND POLICIES.** The rules of conduct and general policy for commissioned police officers are pursuant to rules and regulations within the "Policy Manual" of the Police Department as provided by this Chapter. (Former Code, § 30-1-18)

30-2-25 **PROBATIONARY PERIOD.** Each commissioned police officer appointed to the Police Department shall serve a probationary period of **one (1) year** from the date of his or her employment. The Chief of Police, at the end of the officer's probationary period, will report in writing to the Mayor and Village Administrator an evaluation of the officer to state his or her ability or inability to continue service as a commissioned police officer. (Former Code, § 30-1-19)

30-2-26 **SALARY.** Commissioned police officers shall receive such compensation as may be provided by the Village Board. (Former Code, § 30-1-20)

30-2-27 **PART-TIME POLICE OFFICERS.**

(A) **Employment.** The Village may employ part-time police officers from time to time as they deem necessary.

(B) **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted **one thousand (1,000) hours**. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Law Enforcement Training and Standards Board.

(C) **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards:

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2) Be at least **twenty-one (21) years** of age.
- (3) Possess a high school diploma or GED certificate.
- (4) Possess a valid State of Illinois driver's license.
- (5) Possess no prior felony convictions.
- (6) Any individual who has served in the U.S. military must have been honorably discharged.

(D) **Discipline.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employment, and may be removed by the Village authorities at any time. Part-time police officer shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. No. 1435; 10-15-12)

30-2-28 - 30-2-29

RESERVED.

DIVISION IV - AUXILIARY POLICE OFFICERS

30-2-30 **APPOINTMENT.** The Mayor, on special occasions, when in his or her judgment, for public peace and order of the Village, shall require, appoint, and commission any number of auxiliary police officers as may be necessary and shall fix in order of their appointment, if for more than **ten (10) days**, shall be subject to the consent of the Village Board. (Former Code, § 30-1-25)

30-2-31 **ORGANIZATIONAL POSITION.** Auxiliary police officers shall receive direction from and are subject to the orders, policies, and rules and regulations as set forth by the Chief of Police. Auxiliary police officers are to be supervised by the Chief of Police or his or her designee as directed by the Mayor as provided for in **65 ILCS 5/3.1-30-5**. (Former Code, § 30-1-26)

30-2-32 **AUTHORITY AND RESPONSIBILITIES.** During the time each shall serve, all such auxiliary police officers shall possess the powers and exercise the duties as authorized by the laws of the State of Illinois and directed by the Chief of Police. Auxiliary police officers shall not carry firearms, except if maintaining a valid firearms training certificate required by the State of Illinois and only then when on duty, in uniform, and with the permission of the Mayor. Auxiliary police officers shall have current and valid state certification if required for duties they are to perform. Auxiliary police officers shall have the power and duty, when properly assigned and on duty to aid or direct traffic, to aid in control of natural or manmade disasters, and to aid in case of civil disorder. (Former Code, § 30-1-27)

30-2-33 **APPOINTMENT.** The Mayor is authorized to appoint auxiliary police officers as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary police officers 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 police officer if he or she has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all auxiliary police officers may be terminated by the Mayor, subject to the advice and consent of the Village Board. (Former Code, § 30-4-1)

30-2-34 **NOT MEMBERS OF POLICE DEPARTMENT.** Such auxiliary police officer shall not be members of the regular Police Department of the Village. Auxiliary police officers shall be residents of the Village. Identification symbols worn by such auxiliary police officers shall be different and distinct from those used by the regular Police Department and shall be selected and chosen by the Mayor of the Village. Auxiliary police officers shall, at all times during the performance of their duties, be subject to the direction and control of the Mayor of this Village. (Former Code, § 30-4-2)

30-2-35 **POWERS AND DUTIES.** Auxiliary police officers shall have the following powers and duties when properly assigned and on duty:

- (A) To aid or direct traffic in this 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 Mayor on occasions when it is impracticable for members of the regular Police Department to perform normal and regular police duties. (Former Code, § 30-4-3)

30-2-36 **TRAINING.** All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons by proper authorities as established by the State of Illinois. All full-time and part-time officers shall complete a course on police procedures by the proper authorities as established by the State of Illinois Law Enforcement Training and Standards Board within the prescribed time period as established by such board. Upon completion of the course of training, the officer shall file with the Mayor a certificate attesting to the completion of the course.

30-2-37 **COMPENSATION.** Auxiliary police officers shall receive compensation as may be set from time to time by the appropriation ordinance. **(65 ILCS 5/3.1.30-5)** (Former Code, § 30-4-5)

DIVISION IV - POLICE CODE

30-2-38 CHIEF OF POLICE.

(A) **Authority.** The Chief of Police is the chief executive officer of the Department and the final departmental authority in all matters of policy, operations, and discipline. He or she exercises all lawful powers of his or her office and issues such lawful orders as are necessary to assure the effective performance of the Department.

(B) **Responsibilities.** Through the Chief of Police, the Department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. He or she is responsible for planning, directing, coordinating, controlling, and staffing all activities of the Department, for its continued and efficient operation, for the enforcement of rules and regulations within the Department, for the completion and forwarding of such reports as may be required by competent authority, and for the Department's relations with the citizens of the village, the village government, and other agencies.

(C) **Duty Hours.** The Chief of Police shall work an **eight (8) hour** shift between the hours of **7:00 a.m.** to **5:00 p.m.** Monday through Friday and shall be available for duty in case of emergency at all other times.

(Former Code, § 30-2-31)

30-2-39 RULES AND REGULATIONS FOR ALL MEMBERS AND EMPLOYEES.

(A) **Code of Ethics.**

(1) Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self are the motives which impel a police officer to discharge his or her responsibilities in full measure.

(2) A police officer's life is one of self-sacrificing service to a high ideal, based upon his or her recognition of the responsibilities entrusted to him or her and the belief that law enforcement is an honorable vocation. He or she fully accepts his or her responsibilities to defend the right to protect the weak to aid the distressed and to uphold the law in public and private living. He or she accepts the obligation to report facts and to testify without bias or display of emotion and to consider all information coming to his or her knowledge by virtue of his or her position as a sacred trust to be used for official purposes only. He or she gives his or her loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. He or she performs the functions of his or her office without fear, favor, or prejudice and does not engage in unlawful or improper practices.

(3) He or she does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interest of the state, village, or the Department. He or she does not seek to benefit personally by any confidential information which has come to him or her by virtue of his or her

assignment. He or she is faithful and loyal to his or her organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their representatives in matters of mutual interest and obligation.

- (4) Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the Police Department. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of members of the Department; the community places a trust in police officers and expects them to so conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.
- (5) There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public.
- (6) Each member of the Police Department will be required to conform to the Law Enforcement Code of Ethics.

(B) **Oath of Office.** New members shall take the following oath of office:

"I, _____, do solemnly swear that I will support and comply with the Constitution of the United States of America; the constitution and the laws of the State of Illinois; the charter, laws, and ordinances of the Village of Freeburg, Illinois; the rules and regulations of the Village of Freeburg Police Department; and the Law Enforcement Code of Ethics, and that I will faithfully discharge the duties of my office as _____ to the best of my ability."

(Former Code, § 30-2-32)

30-2-40 PROFESSIONAL CONDUCT AND RESPONSIBILITIES.

(A) **Standard of Conduct.** Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute.

(B) **Loyalty.** Loyalty to the Department and to associates is an important factor in departmental morale and efficiency. Members and employees shall maintain a loyalty to the Department and their associates as is consistent with the law and personal ethics.

(C) **Cooperation.** Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

(D) **Assistance.** All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be pending.

(E) **General Responsibilities.** Within the Village, members shall, at all times, take appropriate action to:

- (1) Protect life and property.
- (2) Preserve the peace.
- (3) Prevent crime.

- (4) Detect and arrest violators of the law.
- (5) Enforce all federal, state, and local laws and ordinances coming within departmental jurisdiction.

(F) **Duty Responsibilities.** Members of the Department are always subject to duty although periodically relieved of its routine performance. They shall at all times respond to the lawful orders of superior officers and other proper authorities as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

(G) **Insubordination.** Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer shall be insubordination. Ridiculing a superior officer or his or her orders, whether in or out of his or her presence, is also insubordination.

(H) **Questions Regarding Assignment.** Members and employees in doubt as to the nature or detail of their assignment shall seek such information from the Chief or senior officer in charge.

(I) **Knowledge of Laws and Regulations.** Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the Village, the rules and policies of the Department, and the orders of the Department and divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule, or policy in question.

(J) **Performance of Duty.** All members and employees shall perform their duties as required or directed by law, departmental rule, policy, or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed notwithstanding the general assignment of duties and responsibilities.

(K) **Obedience to Laws and Regulations.** Members and employees shall observe and obey all laws and ordinances, all rules and regulations of the Department, and all general or special orders of the Department.

(L) **Establishing Elements of Violation.**

- (1) Existence of facts establishing a violation of a law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for a charge under this Section. It is not necessary that a formal complaint be filed or sustained.
- (2) Nothing in this Manual of Rules prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws and ordinances within the cognizance of the Department.

(M) **Reporting Violations of Laws, Ordinances, Rules or Orders.** Members and employees knowing of other members or employees violating laws, ordinances, or rules of the Department, or disobeying orders, shall report the same in writing to the Chief of Police.

(N) **Conduct Toward Superior and Subordinate Officers and Associates.** Members and employees shall treat superior officers, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another.

(O) **Criticism of Orders.** Members and employees shall not publicly criticize instructions or orders they have received.

(P) **Manner of Issuing Orders.** Orders from superior to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of departmental business.

(Q) **Unlawful Orders.** No command or supervisory officer shall knowingly issue any order which is in violation of any law or ordinance or departmental rule.

(R) **Obedience to Unlawful Orders.** Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member or employee is required to obey any order which is contrary to federal or state law or local ordinance. Responsibility for refusal to obey rests with the member. He or she shall be strictly required to justify his or her action.

(S) **Obedience to Unjust or Improper Orders.** Members or employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability and then may proceed to appeal as provided below.

(T) **Conflicting Orders.**

(1) Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order.

(2) If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the Department.

(U) **Reports and Appeals; Unlawful, Unjust, Improper Orders.** A member or employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extradepartmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

(V) **Gifts, Gratuities, Fees, Rewards, Loans, and the Like, Soliciting.** Members and employees shall not, under any circumstances, solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment.

(W) **Other Transactions.** Members and employees are prohibited from buying and selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any active case which has come to their attention or which arose out of their departmental employment, except as may be specifically authorized by the Chief of Police.

(X) **Rewards.** Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency, except lawful salary and that which may be authorized by law.

(Y) **Disposition of Unauthorized Gifts, Gratuities, and the Like.** Any unauthorized gift, gratuity, loan, fee, reward, or other thing falling into these categories coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.

(Z) **Free Admissions and Passes.** Members and employees shall not solicit or accept free admission to places of amusement for themselves or others except in the line of duty.

(AA) **Debts.** Members of the Police Department shall pay when due all just bills and obligations owed by such member, and such member shall not incur or become liable for obligations which he, in the reasonable course of events, could not possibly meet at their maturity.

(Former Code, § 30-2-33)

30-2-41 RESIGNATIONS. An officer who desires to resign from the Police Department shall follow the procedures outlined in **Section 11-1-3(D)** of this Code. (Former Code, § 3-2-34)

30-2-42 GENERAL CONDUCT ON DUTY.

(A) **Prohibited Activity on Duty.** Members and employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

- (1) Sleeping, loafing, idling.
- (2) Recreational reading (except at meals).
- (3) Conducting private business.
- (4) Carrying newspapers or other articles (except in the performances of police duty).
- (5) Drinking intoxicating beverages (except in performance of a police duty, and then, only with the specific consent of the Chief of Police and never in uniform).
- (6) **Houses of Ill Repute.** A member shall not enter any house of ill repute, except in the performance of duty.
- (7) **Gambling.** Unless to further a police purpose, no games of chance for stakes or wagers shall be played in the station.

(B) **Loitering.** All members on duty or in uniform shall not enter taverns, theaters, or other places, except to perform a police task.

(C) **National Colors and Anthem.** Uniformed members will render full military honors to the national colors and anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

(D) **Relief.** All members and employees are to remain at their assignments and on duty until properly relieved by another member or employee or until dismissed by competent authority.

(E) **Meals.** Meals and breaks shall be of a reasonable amount of time.

(F) **Reporting.** Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

(G) **Absence from Duty.** Every member or employee who fails to appear for duty at the date, time, and place specified for so doing without the consent of competent authority is "absent without leave." Such absences may result in disciplinary action.

(H) **Sickness Caused by Improper Conduct, and the Like, Feigning Sickness.** The village physician shall report in writing to the Chief of Police any member who shall evade duty on the pretense of sickness, or whose sickness or disability is caused by

improper conduct, intemperate, immoral, or vicious habits or practices, or in which a member of the Department fraudulently or by misleading statements concerning his or her disability, endeavors to deceive the village physician, or in which a member feigns sickness or disability. The Chief of Police shall make a recommendation in such report whether or not such member shall be paid for the time he or she is absent from duty.

(I) **Notification of Command.** Whenever any member of the Department becomes sick or disabled, the Chief of Police or the person in charge shall be notified without delay. Members unable to report for duty owing to sickness or disability shall notify the Chief of Police or person in charge, not less than one hour, if possible, prior to time of reporting for duty.

(J) **Training.** All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police. Such attendance is considered a duty assignment.

(K) **Physical Fitness for Duty.** All members of the Department shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer.

(L) **Consumption of Intoxicants.** Members and employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired.

(M) **Intoxication.** Members and employees shall not, at any time, be intoxicated while on duty. They shall not, at any time, on or off duty, be intoxicated in public view, so as not to bring discredit to the Department.

(N) **Intoxicants on Departmental Premises.** Members and employees shall not bring into or keep any intoxicating liquor on departmental premises. Liquor brought in departmental premises in the furtherance of a police task shall be properly identified and stored according to current policy.

(O) **Smoking While on Duty.** Members and employees shall not smoke on duty while in direct contact with the public, nor when in uniform in public view, except that smoking is permitted in public view at meal times and while patrolling in police automobiles, at which times, it shall be as inconspicuous as possible.

(P) **Address and Telephone Numbers.** All members of the Department shall reside in the Village limits, unless accepted by Board approval and immediately upon reporting for duty, members, and employees shall record their correct residence address and telephone number with the Village Clerk and the Chief of Police. Members and employees are required to have telephones in the place where they reside. Changes in address or telephone numbers shall be reported to the Chief of Police within **twenty-four (24) hours** of change.

(Q) **Uniforms, Equipment and Appearance.** All members of the Department shall maintain in good order a regulation uniform. Members shall be neat appearing and well-groomed while in uniform.

(R) **Hair and Grooming.** Hair shall be neat and well-groomed.

(S) **Uniform Regulations.** All articles of uniform shall conform to the departmental uniform regulations. Civilian clothing will not be worn with any distinguishable part of the uniform, except for reasons of safety.

(T) **Wearing the Uniform.** Uniforms shall be kept neat, clean and well-pressed at all times. While wearing the uniform, members shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling, and keeping hands in pockets. The uniform hat shall be worn out of doors, unless otherwise directed by competent authority.

(U) **Manner of Dress on Duty.** Normally, members will wear the duty uniform on a tour of duty; however, Chief of Police may prescribe other clothing as required by the nature of the duty to which a particular member is assigned.

(V) **Equipment.** All equipment must be clean, in good working order, and conform to Department specifications.

(W) **Off-Duty Equipment.** At all times, members may carry an authorized weapon and shall carry official identification when off duty and in public.

(X) **Registering Equipment with the Department.** Members are required to register with the Department the description and serial numbers of all personal police weapons they own or carry on duty.

(Y) **Firearms; Display, Discharge and Marksmanship.** Members shall never display firearms unnecessarily or draw them in any public place except for inspection or official use. Members are required to report any deliberate or accidental discharge of firearms (except routine target practice). This report is to be made to the Chief of Police as soon as possible and without unnecessary delay. Members shall exhaust every other means of apprehension before resorting to the use of firearms.

(Z) **Marksmanship Proficiency.** All members of the Department shall be required to attain a marksmanship proficiency of **fifty percent (50%)** in order to qualify.

(AA) **Uniform and Equipment Damage Claim.** Any claims for damage to clothing, equipment, and eyeglasses caused by performance of duty shall be made in accordance with current departmental directives.

(BB) **Compensation for Other Damages Sustained on Duty.** Members and employees shall not seek in any way, nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police.

(CC) **Compensation for Damages Off-Duty.** Members and employees who have received salary from the village for injury sustained off duty or illness shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. This notice shall be filed before any action is taken. It shall include the fact of the claim and the name of the respondent.

(Former Code, § 30-2-35)

30-2-43 **DEPARTMENT PROPERTY AND EQUIPMENT.** Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. (Former Code, § 30-2-36)

30-2-44 **DAMAGED-INOPERATIVE PROPERTY OR EQUIPMENT.** Members and employees shall immediately report to their commanding officer on designated forms any loss of or damage to departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any Department equipment or property. (Former Code, § 30-2-37)

30-2-45 **CARE OF DEPARTMENT BUILDINGS.** Members and employees shall not mar, mark, or deface any surface in the Department building. No material shall be affixed in any way to any wall in departmental buildings without specific authorization from the Chief of Police or Mayor. (Former Code, § 30-2-38)

30-2-46 **NOTICES.** Members and employees shall not mark or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the Chief of Police. No notices of a derogatory nature will be posted at any time. (Former Code, § 30-2-39)

30-2-47 **MANUALS MAINTENANCE.** All members and employees who are issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise. (Former Code, § 30-2-40)

30-2-48 **SURRENDER OF DEPARTMENTAL PROPERTY.** Members and employees are required to surrender all Department property in their possession upon separation from the service. Failure to return nonexpendable items may cause the person to reimburse the Department for the fair market value of the article(s). (Former Code, § 30-2-41)

30-2-49 **DEPARTMENTAL VEHICLES; USE.** Members shall not use any departmental vehicle without the permission of the Chief of Police. Mileage and maintenance logs shall be kept at all times on all vehicles. (Former Code, § 30-2-42)

30-2-50 **VEHICLES; PERSONAL BUSINESS.** Departmental vehicles may be used for personal business only within the Village limits. (Former Code, § 30-2-43)

30-2-51 **TRANSPORTING CITIZENS.** Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a command officer. (Former Code, § 30-2-44)

30-2-52 **REPORTING ACCIDENTS.** Accidents involving village personnel, property, and/or equipment must be reported in accordance with adopted procedures. (Former Code, § 30-2-45)

30-2-53 **PRESUMPTION OF RESPONSIBILITY.** In the event that village property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible. (Former Code, § 30-2-46)

30-2-54 COMMUNICATIONS, CORRESPONDENCE.

(A) **Restrictions.** Members and employees shall not:

- (1) Use departmental letterheads for private correspondence.
- (2) Give out license numbers information to private citizens, without permission of the officer in charge.
- (3) Send correspondence out of the Department over the signatures without the general permission of the Chief of Police.
- (4) Give out listed or unlisted phone numbers of police officers or other Department personnel of the Chief of Police to issue or deny permission to work outside the Department is final.

(B) **Department Address (Private Use Of).** Members and employees shall not use the department as a mailing address for private purposes. The department address shall not be used on any motor vehicle registration or operator's or chauffeur's license.

(C) **Telephones.** Departmental telephone equipment may not be used for the transmission of private messages without prior approval of the Chief of Police.

(D) **Radio discipline.** All members of the department operating the police radio shall strictly observe regulations for such operations as set forth in departmental orders and by the Federal Communications Commission.

(Former Code, § 30-2-47)

30-2-55 DEATH AND INJURY NOTIFICATIONS.

(A) **Death or Serious Injury.** When a member is killed or seriously injured on or off duty, immediate verbal notification will be made to the Chief of Police or to the officer acting in the Chief's absence. This will be followed by a written report no later than the following work day. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury could result in death or disability.

(B) **Non-Serious Injury.** In cases where the injuries are other than of a serious nature, a written report will be submitted on the first work day following the incident including all information required above. These reports are in addition to those accident and sick reports otherwise required.

(C) **Death of Member or Employee.** Any member of employee receiving notice of the death of any member, employees or retired member during regular business hours, shall notify the Chief of Police. At other times, the officer in charge shall be notified and he shall relay such information to the Chief of Police.

(D) **Notification of Family.** The family of a member or employee injured or dying on duty shall be notified immediately by the senior available officer.

(Former Code, § 30-2-48)

30-2-56 INVESTIGATIONS, ARRESTS, AND DETENTIONS.

(A) **Command of Scene.** At the scene of any crime, accident or other police incident, the ranking officer present shall assume command and direction of police personnel in such a manner as to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and the one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision is intended to provide for the coordination of the efforts of the

several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

(B) **General Responsibilities of Members at Crime Scenes.** The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

- (1) Summoning medical assistance as required.
- (2) Arrest of violator(s).
- (3) Security of the scene, and to prevent the damage, destruction or loss of any evidence at the crime scene.

(C) **Responsibilities of Assigned Member at Crime Scene.** The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the duties in division (B) as they may be necessary, and the completion of the preliminary or other investigation as directed. This shall include (but is not necessarily limited to) securing statements and other information which will aid in the successful completion of the investigation, and locating, collecting and preserving physical evidence material to the issue.

(D) **Relief of Member Conducting Preliminary Investigation.** Upon completion of the preliminary investigation, the assigned officer shall stand relieved unless otherwise directed.

(E) **Identification as Police Officer.** Except when impractical or unfeasible, or where the identity is obvious, officers shall identify themselves by displaying the departmental badge or identification card before taking police action.

(F) **Arrests.** In making arrests, members shall strictly observe the laws of arrest and the following provisions:

- (1) Only necessary restraint to assure safe custody and the safety of the officer shall be employed.
- (2) The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the transporting officers of any injury, apparent illness, or other conditions) which indicates that the arrested person may need special care.
- (3) The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his control at the time of arrest. Except for vehicles, this responsibility transfers to the transporting officers when they accept custody of the arrested person.

(G) **Custody of Prisoners.** Officers charged with the custody of prisoners shall observe all laws and departmental orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.

(H) **Transportation of Prisoners.**

- (1) Officers transporting prisoners shall do so in accordance with departmental policy. All prisoners conveyed in a police vehicle shall be searched for weapons/contraband before being placed in a car.
- (2) Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital and the transporting officers shall be responsible for the security of the prisoner until properly

relieved by a guard officer unless otherwise directed by a superior officer.

- (3) Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.
- (4) Any prisoner transported to a hospital in a private ambulance shall be accompanied and guarded by an officer unless police exigencies dictate otherwise. In the latter case, a guard will be arranged for the prisoner as soon as possible.

(I) **Use of Physical Force.** Malicious assaults or batteries committed by members constitute gross misconduct. The use of physical force shall be restricted to circumstances specified by law when necessary to accomplish a police task successfully. Whenever a member, either on or off duty, is required to strike or use considerable physical force against another person, he immediately shall call a superior officer to the scene, or if not practical, contact him as soon as possible following the incident and submit a written report to the Chief of Police.

(J) **Reports and Bookings.** No member or employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false or improper information on records of the department.

(K) **Press Relations at Crime Scenes.** In so far as is consistent with sound police practice, members in control of a crime scene shall grant access and supply information regarding the incident to the working press. Whenever a member feels that release of information or access to the scene is contrary to sound police practice, he shall refer the press to the Chief of Police for further decision.

(L) **Security of Departmental Business.** Members and employees shall not reveal police information outside the department except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to members and employees and names of informants, complainants, witnesses, and other persons known to the police are considered confidential. Silence shall be employed to safeguard confidential information. Violation of the security of this type of information reflects gross misconduct.

(M) **Compromising Criminal Cases.**

- (1) Members and employees shall not interfere with the proper administration of criminal justice.
- (2) Members and employees shall not attempt to interrupt legal process except where a manifest injustice might occur, nor participate in or be concerned with any activity which might interfere with the process of law.
- (3) Except in the interest of justice, members and employees shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar.
- (4) Any employee or member having knowledge of such action and failing to inform his superior officer thereof shall be subject to charges.

(N) **Assisting Criminals.** Members and employees shall not communicate in any manner, either directly or indirectly, any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose or secrete evidence of unlawful activity or money, merchandise or other property unlawfully obtained.

(O) **Recommending Attorneys is Prohibited.**

- (1) Members and employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney to any person coming to their attention as a result of police business.
- (2) This does not apply when a relative of the member seeks such service.
- (3) In no case may such advice be given where a fee, gratuity, or reward is solicited, offered or accepted from the attorney.
- (4) Soliciting business for an attorney is gross misconduct.

(P) **Acting as Bailor Prohibited.** Members and employees cannot act as bailors for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted. (Former Code, § 30-2-49) **(Ord. No. 707; 01-20-86)**

30-2-57 PUBLIC ACTIVITIES.

(A) **Publicity.** Members and employees shall not seek personal publicity in the course of their employment.

(B) **Commercial Testimonials.** Members and employees shall not permit their names and photographs to be used, to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.

(C) **Public Appearance Requests.** All requests for public speeches, demonstrations and the like will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.

(D) **Outside Employment.** Prior to engaging in any outside business or employment, the member or employee shall submit a request for permission to do so to the Chief of Police. The decision of the Chief of Police to issue or deny permission to work outside the department is final.

(E) **Membership in Organizations.** Except for the Armed Forces Reserve components, members and employees shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exacts prior consideration or which would prevent its members from rendering proper and efficient service to the Department.

(F) **Subversive Organizations.** No member or employee shall knowingly become a member of or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police.

(G) **Personal Preferment.** No member or employee may seek the influence or intervention of any person outside the Department for purposes of personal preference, advantage, transfer, or advancement.

(H) **Conduct Toward the Public.** Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language, and shall always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their name and badge or DSN in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.

(I) **Impartial Attitude.** All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons

coming to the attention of the Department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.

(J) **Caring for Lost, Helpless, Injured or Ill Persons.** Members shall always be alert to assist lost, helpless, injured, or ill persons by all means at their disposal.

(K) **Availability When on Duty.** Members on duty shall not conceal themselves, except for some police purpose. They shall be immediately and readily available to the public during duty hours.

(L) **Responding to Calls.** Members of the Department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly without justification is misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any landwire or radio call directed to him or her. The communications center will be informed when leaving the air, and when returning to a duty status, and when a car is leaving and returning to the village limits.

(Former Code, § 30-2-50)

30-2-58 JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES, AND TESTIFYING.

(A) **Court Appearances.** Attendance at a court or quasi judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or clothing conforming to standards imposed on officers working in plainclothes shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court, such as gum chewing and smoking.

(B) **Testifying for the Defendant.** Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the village or Department in any hearing or trial, shall notify the Chief of Police upon receipt of the subpoena. He or she shall notify the governmental attorney.

(C) **Departmental Investigation; Testifying.** Members or employees are required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed.

(D) **Truthfulness.** Members and employees are required to be truthful at all times whether under oath or not.

(E) **Civil Action Interviews.** Civil action interviews involving members or employees which arise out of departmental employment shall be conducted according to current departmental directives.

(F) **Civil Action, Court Appearances; Subpoenas.** A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member or employee is informed that he or she is a party to a civil action arising out of departmental employment, he or she shall

immediately notify his or her Chief of Police and the governmental attorney of the service or notification, and of the testimony he or she is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

(G) **Civil Depositions and Affidavits.** Members and employees shall confer with the Chief of Police before giving a deposition or affidavit on a civil case.

(H) **Civil Cases.** Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

(Former Code, § 30-2-51)

CANINE POLICY

30-2-59 POLICY: It is the policy of the Freeburg Police Department to provide K-9 teams to assist department officers and other departmental law enforcement agencies. Any agencies requesting assistance outside St. Clair County shall be approved by the Chief of Police.

30-2-60 DEFINITIONS:

- A. K-9 Officer: An officer selected, appointed, trained and equipped to handle and train a department-owned K-9 dog.
- B. K-9 Dog: A dog selected and trained for police work.
- C. K-9 Team: Consists of a K-9 officer and a K-9 dog.

30-2-61 OBJECTIVES:

- A. To preserve human life.
- B. To apprehend criminal offenders.
- C. To track or search for criminal offenders and lost/injured persons.
- D. To provide a deterrence to unlawful acts.
- E. To search for evidence and drugs upon request.
- F. To promote public relations.

30-2-62 RESPONSIBILITY:

- A. K-9 officers may be required to respond to high risk situations such as searches, raids, tracking potentially dangerous subjects or other incidents or situations where the services of the K-9 team would be beneficial or appropriate. These duties do not preclude the officer from the job responsibilities of a Freeburg police officer.
- B. The primary mission of the K-9 team is to respond to the needs of the Freeburg Police Department. K-9 service is also made available, upon request, to any law enforcement agency within the State of Illinois.
- C. The assigned canine officer will:
 - 1. Establish procedures to ensure compliance with training requirements and the maintenance of appropriate training records.
 - 2. Recommend, and when authorized, initiate measures to promote more effective utilization of K-9 resources.
 - 3. Conduct or oversee testing and evaluations of new equipment.
 - 4. Recommend purchases of K-9 equipment, uniforms and supplies.

5. Be responsible for maintaining files and records for purposeful documentation and future evaluation.
- D. The Chief of Police will:
 1. Actively support the canine training program and promote the effective utilization of resources.
 2. Determine priority of canine calls when a conflict occurs.

30-2-63 EACH K-9 OFFICER WILL:

- A. Care for and maintain their Village-owned K-9 dog and related equipment.
- B. Expend one regular work shift every other week training their assigned K-9 dog. Work assignments do not constitute training. Due to the lack of a controlled condition, the K-9 dog's performance cannot be properly evaluated.
- C. Be required to obtain training areas and to have areas available for training dogs.
- D. Be allowed one-half (1/2) hour of maintenance time every day including days off when officer is caring for the K-9 dog. (Days off include regular days off, vacation, holidays).
- E. Exercise supervisory responsibilities in matters requiring immediate attention or proper utilization of personnel in K-9 related situations.
- F. Complete the following forms when necessary:
 1. A K-9 Log and/or report on each call for assistance.
 2. A training report when applicable.
 3. A demonstration report when applicable.
 4. A K-9 activity report when a field report is not required.
 5. An illness/injury report when applicable. Should such an illness/injury result in the canine dog being "off duty" the Chief will be notified.

30-2-64 ACCOUNTABILITY:

- A. K-9 officers serve at the discretion of the Chief of Police. The Chief will recommend dismissal or other remedial action for:
 1. A K-9 officer's poor performance will be based on training evaluations conducted by the K-9 training unit. Field performance will be conducted by the Chief of Police.
 2. Inability of K-9 team to successfully pass K-9 team evaluation.
 3. Unacceptable training techniques, excessive absence from training session (group or individual), lack of interest or unacceptable maintenance of equipment.
 4. Unacceptable level of physical conditioning.

30-2-65 TRAINING: K-9 duties are rigorous and require acceptable level of physical fitness, patience, timing and knowledge of training techniques. Training will emphasize obedience, evidence recovery, narcotic detection and tracking. Minimum training standards include:

- A. K-9 officers must complete the K-9 Academy.
- B. K-9 officers will receive one (1) regular work shift every other week for training the dog. Additional training time may be approved at the discretion of the Chief of Police.
- C. Each canine officer will be responsible for conducting their training.
- D. Work assignments do not constitute training. The lack of a controlled condition does not permit evaluation of the dog.

- E. Yearly recertification of K-9 through SILEC.
- F. A K-9 training report will be completed when applicable.
- G. The Chief of Police will make an effort to allow joint training with other departmental K-9 units for quality training.

30-2-66 DEPLOYMENT:

- A. Requests for the assistance of the K-9 team will be directed to the canine handler. The requesting agency will provide the following information:
 - 1. Identify type of service requested.
 - 2. Time expired since the incident occurred.
 - 3. Weather and ground conditions.
 - 4. Type of area and terrain.
 - 5. Any prior search by personnel or K-9 teams.
 - 6. Description of suspect or victim and health of that person.
 - 7. Situational knowledge or available witness information.
- B. The Chief of Police will be notified of call out requests, if possible, to include time of day/distance of each call out.
- C. Upon termination of the incident a report or K-9 activity report will be completed.

30-2-67 UNIFORM FOR K-9:

- A. K-9 officers will not be required to wear regular departmental uniform apparel.
- B. Only K-9 officers will wear K-9 uniforms or any part thereof and then only during training, call-outs, K-9 assignments or when authorized by the Chief of Police.

30-2-68 SCHOOL SEARCHES:

- A. Requests by local school districts for drug searches and seizures will only be authorized when:
 - 1. The request is directed to the Chief of Police in writing and signed by the Chief School Administrator.
 - 2. The purpose of the search is directed towards maintaining a safe and secure school environment.
 - 3. The specific facts substantiate an actual drug problem and not merely suspicion of a problem, however a reasonable suspicion could substantiate a search.
 - 4. The school officials will take either administrative or criminal action against those determined to be in possession of illegal drugs or contraband.
- B. Administrative searches will be restricted to school premises. Body searches will not be performed on students or faculty members. The K-9 officers will mark lockers and identify areas where the K-9 dog makes an indication. The K-9 officers will not open lockers, search areas or make arrests. Any further action is to be taken by school officials only.
- C. When conducting a criminal search, the K-9 officer will notify the State's Attorney prior to the search. The K-9 officer will mark or identify the lockers or areas where the K-9 dog made an indication and secure a written consent to search or a search warrant before proceeding further.

30-2-69 ANIMAL OWNERSHIP:

- A. All dogs accepted for training and used by the K-9 section are the sole property of the Village of Freeburg. Proper care and maintenance of the dog is a responsibility of the assigned officer.
- B. The K-9 will not be used for purposes outside the official duties. Any performance, special societies, stud services, dog shows, etc., will not be allowed unless with written permission of the Chief of Police.
- C. The department will transfer ownership of the dog to the last assigned officer if it becomes necessary to retire the dog from active duty. This will be at the own expense of the officer. Should the last assigned officer decline the dog, the Chief of Police will make other arrangements for the disposition of the animal.

30-2-70 CONTROL OF TRAINING AIDS:

- A. When drug training aids are used, the K-9 officer must not leave the immediate areas in which training aids are placed, until the exercise is over and all drug training aids have been retrieved.
- B. Unauthorized persons are not allowed to handle drug training aids.
- C. Drug training aids will not be placed in areas where people are present unless constant vigilance can be maintained.
- D. Drug training aids will not be placed in items of personal property which would permit a person unknowingly remove the aids from the training area.
- E. Strict physical security and control procedures must be adhered to prevent misuse or theft of controlled substances and cannabis used as training aids. All canine personnel using drug training aids will comply with the following minimum security and control requirements:
 - 1. The area used to store drug training aids must provide a high degree of protection against theft.
 - 2. Drug training aids will be secured in the K-9 officer's assigned squad car.
 - 3. Different types of training aids must be kept in separate air tight containers to prevent contamination.
 - 4. Drug storage containers will only be accessible to K-9 officers.
 - 5. Storage containers will only be opened to issue inventory, repackage, return drug training aids, or perform other authorized functions. The storage containers will be secured at all other times.

(Ord. No. 1540; 03-15)

DIVISION V – POLICE DEPARTMENT ADMINISTRATIVE ASSISTANT

30-2-71 **POSITION CREATED.** There is created the position of Police Department Administrative Assistant.

30-2-72 **REQUIREMENTS.** This position is a full-time hourly position that requires a **forty (40) hour** workweek. The position demands the ability to coordinate multiple resources in a professional and efficient manner. The position has frequent interaction with the public and other departments and is responsible to the Chief of Police.

30-2-73 **DESCRIPTION.** The Police Department Administrative Assistant shall report directly to and be under the supervision and take direction from the Chief of Police.

30-2-74 **SALARY.** The Police Department Administrative Assistant shall receive an hourly rate of pay as provided for by the current union contract.

30-2-75 **DUTIES OF THE POLICE DEPARTMENT ADMINISTRATIVE ASSISTANT.** The Police Department Administrative Assistant is responsible for the administrative and support functions of the Police Department and ESDA offices. The duties of this position shall include, but not necessarily be limited to the following:

- (A) **Police Department Duties.**
- (1) Provide public assistance and information to the public;
 - (2) Maintain record keeping and file maintenance;
 - (3) Keep the Chief of Police informed of situations as they come in;
 - (4) Prepare the News Release for the local publishing office;
 - (5) Log all citations;
 - (6) Assist with insurance forms to agencies requesting reports and mail;
 - (7) Prepare and provide criminal reports to requesting agencies and/or individuals;
 - (8) Maintain and log 10-50 Illinois Traffic Crash Reports and route to IDOT;
 - (9) Maintain, log and route the Illinois Uniform Crime Reporting data to Illinois State Police;
 - (10) Maintain and update Illinois Law Enforcement Training forms for State of Illinois;
 - (11) Maintain and update LEADS files for annual audit;
 - (12) Maintain Criminal History Files for audit;
 - (13) Maintain the Registered Sex Offender files;
 - (14) Maintain Racial Profile data;
 - (15) Maintain and update Training logs for Officers;
 - (16) Radio dispatches Officers on required calls and relays necessary information to the dispatched Officer;

- (17) Assist the Chief and Officer on duty with data base information;
- (18) Inform Officers of upcoming court cases and route hard copy;
- (19) Provide Background checks to agencies and the public as requested;
- (20) Performs various word processing and spreadsheet tasks;
- (21) Processes incoming and outgoing mail and shipping;
- (22) Assist with nuisance violation notices and help maintain files;
- (23) Maintain FPD data bases;
- (24) Update Business listings for officers;
- (25) Maintain and order necessary office supplies, forms and janitorial supplies as needed;
- (26) Prepare purchase orders for A/P and maintain files and route to Administrative office;
- (27) Order officer uniforms and track uniform allowance;
- (28) All other duties as assigned by Chief of Police.

(B)

ESDA Duties.

- (1) Support the Coordinator with weather alert system;
- (2) Monitor daily weather and record status when required;
- (3) Sound the monthly warning system;
- (4) Be on call to support the ESDA weather alert Monday through Friday and sound the alert sirens as needed;
- (5) Sort and route mail and route purchase orders to accounting department;
- (6) Copy and mail monthly calendars to all ESDA shelter volunteers, Triage nurses and MOSES teams;
- (7) Assist Coordinator with scheduling monthly ESDA meetings;
- (8) All other duties as assigned by ESDA Coordinator subject to approval of the Police Chief.

30-2-76 **QUALIFICATIONS.** Bachelor's Degree and/or High School diploma and a minimum of **five (5) years** law enforcement related administrative experience at the discretion of the Village Board of Trustees.

(Ord. No. 1386; 06-06-11)

**ARTICLE III - EMERGENCY MANAGEMENT AGENCY
(EMA)**

30-3-1 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 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 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.

30-3-2 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.

30-3-3 **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.

30-3-4 **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management 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 Management 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 management operations of this municipality. He 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.

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 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 specific duties of the E.M.A. Coordinagor shall include the following:

- (1) Responsible for organization, administration, operation and training for the Village's ESDA program;
- (2) Responsible for the coordination of local Government Services as per requirements under the National Incident Management System;
- (3) Responsible for the coordination and operation of the ARRL Amateur Radio Emergency Service (ARES®)/Radio Amateur Civil Emergency Service (RACES®) operations within St. Clair County for "support communications" to the Freeburg ESDA communications system, particularly during severe weather events;
- (4) Responsible for the bi-yearly updates to the Village ESDA EOP (Emergency Operations Plan);
- (5) Responsible for the implementation and operation of the "divisions within ESDA, including: Ministers on Special Emergency Services (MOSES), Local Team of Nurses (LTN), Shelter Managers (SM);
- (6) Responsible for providing emergency safety and preparedness information to the public;
- (7) Responsible to work closely with the County Health Department's Committee for Emergency Community Response Team;
- (8) Responsible for the proper Federal Communications Commission radio licensing for all village departments;
- (9) Responsible for obtaining Local Memorandums of Agreement (LMA's) for the use of buildings and commercial resources as well as school district resources;
- (10) Responsible for school district communication interties for emergencies and conduct yearly State ESDA/EMA NOAA severe weather communication tests.
- (11) Responsible for the PUBLIC notification of emergencies, particularly Tornadic weather emergencies, via outdoor warning siren system and Village wide telephone notification system;

- (12) Responsible for providing training to local schools on severe weather safety issues on an every three-year schedule;
- (13) Responsible for scheduling the testing of and maintenance of all warning and communication systems used by local ESDA;
- (14) Responsible for the emergency communications network involving local school districts, police department, utilities department and local fire department;
- (15) Responsible for the "professional management for ESDA Coordinator" training via attending IEMA yearly training conferences on a bi-yearly basis or as special and specific training is available at the annual IEMA conferences;
- (16) Responsible for IESMA (Illinois Emergency Services Management Association) membership and insurance for volunteers through the IESMA program;
- (17) Responsible for the monitoring and dissemination of threat information to the Mayor and Trustees as it relates to Homeland Security issues;
- (18) Responsible for regular communication test for the County ARES® communications system;
- (19) Responsible for the attainment and continued qualifications to keep StormReady® community status via training from the local National Weather Service office;
- (20) Responsible for intertie communications via ARES with SATERN (Salvation Army Team Emergency Radio Network);
- (21) Responsible for the coordination of any Village wide evacuation of citizens.

(Ord. No. 1447; 12-17-12)

30-3-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) 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 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 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 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.

30-3-6 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.

30-3-7 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.

30-3-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-3-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.

The coordinator for emergency management 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 30-3-3** of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-3-10 **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.

30-3-11 **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.

30-3-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-3-3** 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.

30-3-13 **APPROPRIATIONS AND LEVY OF TAX.** The Village Board 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 Village Board may also 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.

30-3-14 **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.

30-3-15 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 30-3-7**, 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 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 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.

30-3-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.

In carrying out the provisions of this Code, the Mayor and the coordinator 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 coordinator and the emergency management agency.

30-3-17 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.

30-3-18 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.

30-3-19 **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 management agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 **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.

30-3-21 **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 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 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."

30-3-22 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 30-3-7(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.

30-3-23 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

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

ARTICLE IV - ALARMS

30-4-1 **FEE FOR FALSE ALARMS.** Any person or persons or business owning or operating alarm equipment in the Village and whose equipment generates false alarms to the Village or any of its personnel shall reimburse the Village the sum of **Ten Dollars (\$10.00)** for each false alarm in excess of **six (6)** such alarms in any **twelve (12) month** period from **May 1** to **April 30**, or for a third such false alarm in any **one (1) calendar month**.
(Former Code, § 30-2-40)

30-4-2 **THREE (3) OR MORE ALARMS.** For all such subsequent false alarms more than three in any **one (1) calendar month** and all subsequent false alarms in excess of **seven (7)** in any fiscal year from **May 1** through **April 30**, the owner or owners or business operators of such equipment shall pay the Village a **Twenty-Five Dollar (\$25.00)** service charge for each such false alarm.
(Former Code, § 30-2-41)

30-4-3 **FAILURE TO PAY ASSESSMENT.** In the event any such service charge is not paid promptly upon billing, the Village may institute a civil action to collect same.
(Former Code, § 30-2-42)