

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCY

**30-1-1      DEFINITIONS.**

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

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

(B)            Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

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

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

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

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

(A)            Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

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

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

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

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

**30-1-5      EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating

that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

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

- (A)            The City Hall.
- (B)            The Library.
- (C)            The Police Station.

**(65 ILCS 5/11-1-6)**

**ARTICLE II - POLICE DEPARTMENT**

**DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1      DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the City Council. The City has entered into an agreement found in **Appendix "B"** wherein police protection will be provided by the Sheriff's Department of Pike County.

**30-2-2      OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police may be appointed by the Mayor with the advice and consent of the City Council for a term of **one (1) year**.

**30-2-3      DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

**30-2-4      APPOINTMENT OF PATROLMEN.** Unless otherwise provided, all patrolmen shall be appointed by the Mayor, by and with the advice and consent of the City Council. A police officer may be appointed to office by the Mayor and City Council if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the City when appointed or when he is to serve as such an official.

**30-2-5      DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois.

**30-2-6      POLICE CONTRACT.** The City has entered into an agreement found in **Appendix "B"** wherein police protection will be provided by the Sheriff's Department of Pike County.

**30-2-7      LEGAL PROCESSES.** All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

**30-2-8      ASSISTING POLICE OFFICER.** Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

**30-2-9      AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

**30-2-10      FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

**30-2-11      AIDING IN ESCAPE.** It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

**30-2-12      USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

**30-2-13      WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.

**30-2-14      RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

**30-2-15      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.

**30-2-16      STOLEN PROPERTY.** The Police shall be the custodian of all lost and abandoned or stolen property in the City.

**(65 ILCS 5/11-1-2)**

**ARTICLE III - FIRE DEPARTMENT**

**30-3-1      DEPARTMENT ESTABLISHED.** There is hereby established a Fire Department consisting of a Fire Chief and volunteers who shall be appointed by the Mayor with the advice and consent of the City Council. Whenever a vacancy occurs in the number of volunteers, the remaining members shall select a new member.

**30-3-2      MEETINGS.** The Fire Department shall hold monthly meetings and at the April meeting, shall elect a Secretary and a Treasurer. The officers so elected shall qualify and take office at the first meeting in May.

**30-3-3      DUTIES OF FIRE CHIEF.** The Fire Chief shall, upon taking office, make appointments and prescribe such duties as may be necessary and proper in the organization and effective operation of the Fire Department during that year. The Fire Chief shall have the control and supervision of the Fire Department and all fire apparatus and equipment belonging to the City, subject to the order and direction of the Mayor.

In case of fire, the Fire Chief and his Assistants, in their order of rank, shall take command at such fire and the officer highest in rank shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary for the protection of, other property to prevent the spread of the fire, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

**30-3-4      SECRETARY'S DUTIES.** The Secretary shall keep a record of all meetings of the Fire Department and the attendance of the members, a record of all fires and the attendance of the members of such fires. During the last week of March of each year, the Secretary shall file with the City Clerk a full report of such record of attendance and fires, which report shall be made under oath. He shall also keep such other records, make such reports and keep and furnish such statistics as may be required of him by law.

**30-3-5      TREASURER'S DUTIES.** The Treasurer, before taking office, shall execute and file with the City Clerk a sufficient bond to the City, to be approved by the Mayor and City Council, conditioned for the faithful performance of his duties under this Article. The Treasurer shall receive all moneys collected for and on behalf of the Fire Department, including the tax or license fee for foreign fire insurance companies and shall pay the same upon the order of the Fire Department for the purposes of maintenance, use and benefit of such department. Such Treasurer shall make monthly reports to the Fire Department on the condition of the funds in his hands and shall, on the first Tuesday of December in each year, make a sworn report and statement to the Mayor and City Council of all moneys received and disbursed by him as such Treasurer and the balance of moneys in his hands. The books, records, and accounts of such Treasurer shall be faithfully kept and shall, at all times, be open to inspection and an audit of the Mayor and City Council. He shall, at the expiration of his term of office, surrender, pay and deliver to his successor in office, all books, records, accounts and moneys in his hands as such Treasurer.

**30-3-6      ENFORCEMENT OF LAWS.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires and to enforce all ordinances relating to the occurrence or spread of such fires.

**30-3-7      OBEYING ORDERS AT FIRE.** No fireman in attendance at a fire shall neglect or refuse to obey the orders of the officer in command at such fires.

**30-3-8      FAILURE TO FOLLOW ORDERS.** Every male person above the age of **eighteen (18) years** who shall be present at a fire shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property, and any person refusing to obey such orders shall, upon conviction, be fined as provided in **Chapter 1 -- Administration** of this Code, provided no person shall be bound to obey any such officer, unless such officer's official character shall be known or made known to such person.

**30-3-9      DUTY TO ENFORCE.** It shall be the duty of all officers of the Fire Department and all police officers of the municipality to see that the provisions of this Code are enforced and to arrest on view any person who shall be found violating any of the provisions of this Article or who shall hinder, resist or refuse to obey any such officer in the discharge of his duty, and to that end, all such officers are hereby vested with the usual power and authority of police officers.

**30-3-10      ILLEGAL USE OF EQUIPMENT.** No person shall use any fire engine or any other apparatus belonging to the municipality for any private purpose, other than the extinguishment of fires; nor shall any person remove the same or any part thereof from its place of deposit or, having the control thereof, shall permit such engine or other apparatus to be used for any private purpose other than the extinguishment of fires.

**30-3-11      OUTSIDE SERVICE.** Members of the Fire Department are authorized, though not required absent contractual obligation to go outside the corporate limits of the City for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents; provided that the Fire Department shall render such service outside the corporate limits for the following fees:

- (A)      **Non-Resident Fire.** The fee for any Fire Department response to a non-resident fire or rescue shall be **Three Hundred Fifty Dollars (\$350.00).**
- (B)      **HAZMAT Response.** See **Article IV.**

**(65 ILCS 5/11-6-1)**

## ARTICLE IV - HAZMAT REGULATIONS

**30-4-1      HAZARDOUS SUBSTANCES DEFINED.** Hazardous substance is defined as any substance or mixture of substances which is toxic, corrosive, or irritant, strong sensitizer, flammable, combustible, or which generates pressure through decomposition, heat, or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonable use, any radioactive substance if the Director of Public Health of the State of Illinois has determined by regulation that the substance is sufficiently hazardous to require labeling in order to protect the public health. All other terms herein shall be defined as set forth in **Section 20 et seq. of Chapter 420 (Public Health and Safety of the Illinois Compiled Statutes)** or in the absence of definition therein, shall retain their common meaning.

**30-4-2      PERMIT FEE.** An annual permit fee for calendar year 2003 and every subsequent calendar year is hereby imposed on every person or corporation that owns, operates, or acts as an agent for any business location where one or more hazardous materials are used, stored, transported, manufactured, generated, disposed of, or sold within the City in the fee amounts and for the types of businesses or activities and for the quantities of chemical listed in the attached table.

(A) Where more than **one (1)** location is used by the same person, corporation, or entity, a separate service fee shall be paid for each location within the City.

(B) The annual permit fee listed in the attached table shall be applied based upon the maximum quantity of the hazardous material present at any one time during the preceding year.

(C) The annual permit fee is required for each location used by the permittee, and a change of ownership of the location where the chemicals are stored, manufactured, generated, disposed of, or sold shall not be cause for a new permit if notice of such change of ownership is provided to the Fire Department within **ninety (90) days**.

(D) The annual permit fee shall be due and payable on **January 1** or each year, beginning **January 1, 2004**, and shall become delinquent on **March 1** of the same year. Payment shall be made by money order or check made payable to the City Fire Department.

(E) A **one percent (1%)** late penalty shall attach on the **first (1<sup>st</sup>) day of March** following the **January 1<sup>st</sup>** due date, and on the **first (1<sup>st</sup>) day** of each month thereafter; and shall be collected and processed in the same manner as if they were part of the service fee. Said fees may be partially or wholly waived if the delinquent payment is documented as not due to the error, oversight, or intent of the permittee.

(F) Annual hazardous materials permits shall be issued for each location operated or maintained by the permittee, and the permittee shall post said permits in a conspicuous place at each location.

**30-4-3      RESPONSE FEE.** A "response fee" shall be paid to the City Fire Department by the person, corporation, or entity which created the hazard, or which owned the materials or chemicals. The fee shall be determined by the primary response fee plus the hourly rate plus the cost incurred at the scene of the hazardous incident. The "response fee" shall be itemized for invoicing purposes.

(A) Primary response fee, for any response involving the Fire Department, ESDA, or Specialized Response Team: **Three Hundred Dollars (\$300.00)**.

(B) An hourly fee will commence when on-site scene action is initiated by the ESDA, Local Fire Departments, or the Specialized Response Team and continue until the incident is concluded and the team has cleared the scene and back in service. Hourly rate: **One Hundred Dollars (\$100.00)** due and payable to each piece of equipment or truck responding to the incident. There will also be assessed a fee of **Fifty Dollars (\$50.00)** per trained person per hour.

(C) Costs incurred shall include any and all reasonable costs and expenses incurred by the City or County, its agencies, representatives, Specialized Response Team, and/or Fire Departments responding to the incident. Costs include but are not limited to contractual services, wages, salaries,

damaged or destroyed equipment, spill control supplies, protective clothing, fire fighting or vapor suppressing foam, cleanup activities, medical care and medical supplies. When reimbursement is requested for damaged or destroyed equipment, spill control supplies, protective clothing, fire fighting or vapor suppressing foam, the cost will be calculated at the replacement value, not the depreciated value.

**30-4-4      PERSONS EXCLUDED.** Persons who use, store, transport, generate, or dispose of hazardous materials in household consumer quantities for personal noncommercial purposes are specifically excluded from compliance with the provisions of this Article.

**30-4-5      WARNING PLACARDS.** All entities that use, store, transport, manufacture, generate, dispose of, or sell hazardous materials shall place warning placards inside and on the outside of the structure in a prominent location. The content of the placard shall be determined by the local Fire Department utilizing the National Fire Protection Association Standard 704M Hazardous Materials Placarding System to determine the warning numbers on the placard. The placard on the outside of the facility shall be **thirty (30) inches square**, constructed of a weather resistant material, mounted square on a point in a location approved by the Fire Department. Smaller placards may be required by the Fire Department inside the facility to mark special hazards. Placards shall not be moved or removed without the permission of the Fire Department. Permission shall be requested from the Fire Department to remove placards from any facility that no longer contains hazardous materials.