

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

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

(A) **Emergency.**

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

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

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

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

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

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

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

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

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

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

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

- (A) Village Hall.
- (B) Post Office.
- (C) Library.
- (D) All banks.

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

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

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-2-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the Police Department. 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 Village Board. **(See 65 ILCS 5/11-1-2)**

30-2-2 **OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Board 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 Village Board. A police officer may be appointed to office by the Mayor and Village Board if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the Village when appointed or when he is to serve as such an official.

30-2-5 **SALARY.** The police department shall receive such compensation as may be provided by ordinance or resolution of the Village Board.

30-2-6 **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 Village and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the Village Board. 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 Village Board, execute all its orders and close the Board Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village or laws of the State of Illinois.

30-2-7 **MUTUAL AID CONTRACT.** The Police Department, with the approval of the Village Board, may enter into an agreement to provide police protection to neighboring municipalities.

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

be subject to the consent of the Village Board in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-9 **LEGAL PROCESSES.** All police shall have the power and authority to execute Village warrants or other similar legal processes outside the corporate limits of the Village and within such distance therefrom as authorized by law in all cases when any ordinance of the Village Board made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the Village.

30-2-10 **ASSISTING POLICE OFFICER.** Every police officer of the Village 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.

30-2-11 **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.

30-2-12 **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.

30-2-13 **AIDING IN ESCAPE.** It shall be unlawful for any person in this Village to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-14 **USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the Village shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-15 **WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the Village Treasurer.

30-2-16 **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.

30-2-17 TRAINING. All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons by the proper authorities as established by the State of Illinois. All full-time and part-time police 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.

30-2-18 STOLEN PROPERTY. The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

30-2-19 PART-TIME POLICE.

(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 to **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 officers shall comply with all applicable rules and General Orders issued by the Police Department.

(See 65 ILCS 5/3.1-30-21) (Ord. No. 722; 05-07-12)

30-2-20 - 30-2-24 RESERVED.

DIVISION II - AUXILIARY POLICE

30-2-25 **APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **eighteen (18) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the Village Board.

30-2-26 **NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the Village. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this Village. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police.

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

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

30-2-28 **FIREARMS PROHIBITED.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties. **(See 65 ILCS 5/3.1-30-20)**

30-2-29 **COMPENSATION.** Auxiliary policemen may receive compensation as provided by the Village Board.

30-2-30 - 30-2-31 **RESERVED.**

DIVISION III – POLICE UNIFORM ALLOWANCE

30-2-32 UNIFORM PROVISIONS.

(A) Each full-time police officer shall be entitled to a uniform allowance of **Four Hundred Fifty Dollars (\$450.00)** payable annually during the fiscal year of **July 1** through **June 30** of each year. Each part-time police officer shall be entitled to **Twenty-Five Cents (\$0.25)** for each hour worked during the previous fiscal year as a uniform allowance.

(B) Each full-time and part-time police officer of the Village shall be required to complete a requisition form for items to be purchased, and submit the form to the Village Clerk, who shall, in turn deliver the requisition form to the Chairman of the Police Committee.

(C) The Police Committee shall act upon the requisition of the police officer at its next regularly scheduled meeting or special meeting, whichever occurs first, and shall approve or disapprove each item listed in the requisition, and return the form to the Village Clerk. In the event of an emergency, the Chairman of the Police Committee shall have the authority to act upon the requisition.

(D) The Village Clerk shall thereafter notify the police officer of the action of the Police Committee and advise said officer of the items approved for purchase.

(E) Any hardware, such as guns, badges, Billy clubs, or the like, purchased by a police officer with Village funds, shall remain the property of the Village and any such police officer who may resign from time to time from the police force, shall, within **forty-eight (48) hours** of termination of employment with the Village, turn in all such items to the Chairman of the Police Committee or the President of the Board of Trustees.

(F) Any police officer may return all items of clothing, which shall include, but are not necessarily limited to, shoes, boots, belts, shirts, trousers, jackets, neckties, and the like, to the Village upon termination of employment with the Village; or the officer may retain all such items by paying to the Village a prorated amount which shall be determined by the fractional proportion of the termination date of employment to the balance of the fiscal year.

(Ord. No. 607; 01-06-03)

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 5/11-1-6**); and
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

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

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

30-3-2 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) **Director** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

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

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

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

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

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

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

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

(B) The **Emergency Management Agency** shall obtain, with Village 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 Director, subject to the direction and control of the Mayor, shall be the executive head of the Municipal **Emergency Management Agency**, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He/She shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government. The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Mayor, as provided by statute.

In the event of the absence, resignation, death, or inability to serve by the Director, the Deputy Director shall serve and if he/she is not able to serve then the Mayor or any persons designated by him/her, shall be and act as Director until a new appointment is made as provided in this Code.

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

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

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

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

30-3-5

EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

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

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

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

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

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

30-3-6 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/she 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/she shall act subject to the directions and restrictions imposed by that body.

30-3-8 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.

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

30-3-9 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.

30-3-10 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.

30-3-11 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 Director of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-3-12 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, pursuant to **65 ILCS 5/8-3-16**, levy for emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-3-13 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.

30-3-14 ORDERS, RULES AND REGULATIONS.

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-3-7**, 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 Director thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois **Emergency Management Agency** Act. The local **Emergency Management Agency** shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State **Emergency Management Agency** shall furnish such orders, rules and regulations to the agency.

30-3-15 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL. In

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

30-3-16 NO PRIVATE LIABILITY.

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

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

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

30-3-17 **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law during an emergency, the Director of the **Emergency Management Agency** shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

30-3-18 **COMPENSATION.** The **Emergency Management Agency** Director and Deputy Director shall receive a salary as established by the Mayor and Village Board. Other members of the **Emergency Management Agency** who are paid employees or officers of the Village, if called for training by the State Director of the **Emergency Management Agency**, shall receive, for the time spent in such training, the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time, such compensation as may be established by the Mayor and Village Board.

30-3-19 **DEPUTY DIRECTOR.** The Deputy Director of the Village **Emergency Management Agency** shall be appointed by the Mayor with the advice and consent of the Village Board. The Deputy Director shall be under the direction of the **Emergency Management Agency** Director. The Deputy Director shall assist the Director as necessary. In the event of the absence, resignation, death or inability of the Director to serve, Deputy Director shall be and act as Director.

30-3-20 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal **Emergency Management Agency**, shall, before entering upon his/her duties, take an oath, in writing, before the Director of the municipal **Emergency Management Agency** before a person authorized to administer oaths in this municipality, which oath shall be filed with the Director of the **Emergency Management Agency**, and which oath shall be substantially as follows:

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

30-3-21 **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.

30-3-22 **MOBILE SUPPORT TEAM.** All or any members of the Village EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the Director of the Village EMA organization.

Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State, reasonable compensation as provided by law.

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

(See 20 ILCS 3305/1 et seq.)

ARTICLE IV – PUBLIC SAFETY EMPLOYEE BENEFITS ACT

30-4-1 **PURPOSE.** The purpose of this Article is to provide a fair and efficient method for determining the eligibility of a full-time employee for the benefits enumerated under PSEBA through an administrative process, including, if necessary, an administrative hearing.

30-4-2 **DEFINITIONS.** For the purpose of this Article, the following terms will have the following meanings. These definitions are derived from the federal Public Health and Welfare Act, which enacted in 1944 and amended in 1984 to define, by inclusion or reference, the following terms.

For use in this Article, provisions containing the words "mayor," "commissioner," "alderman," or "Village council" also apply to the president, trustee, council member and boards of trustees so far as the provisions are applicable to them.

(A) **Catastrophic Injury.** An injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work.

(B) **Gainful Work.** Full- or part-time activity that actually is compensated or commonly is compensated.

(C) **Injury.** A traumatic physical wound (or a traumatized physical condition of the body) directly and proximately caused by external force (such as bullets, explosives, sharp instruments, blunt objects, or physical blows), chemicals, electricity, climatic conditions, infectious disease, radiation, virus, or bacteria, but does not include:

- (1) Any occupational disease; or
- (2) Any condition of the body caused or occasioned by stress or strain.

30-4-3 **APPLICATION PROCEDURE.** As noted by the Court in *Englum*, "while the [Act] contained *substantive* requirements for Section 10 eligibility, the [Act] contained no *procedural* requirements for determining whether a former employee met the substantive criteria." ¶ 55. This Article and the application procedure of this Section establishes guidance on the proper procedural requirements for Public Safety Officers seeking PSEBA benefits in the Village.

(A) Public Safety Officers, or family member(s) of an injured or deceased Public Safety Officer, ("Applicant") must file a full and complete PSEBA application in writing within **thirty (30) days** of filing a pension claim with the Village or within **thirty (30) days** of the date of the adoption of this Article in the event that an Applicant has filed for a PSEBA claim prior to the date of adoption of this Article, whichever is later, if the Applicant is seeking benefits under PSEBA. The Village shall notify Applicant if the PSEBA application is incomplete, and Applicant shall have **five (5) days** to remedy their application. Failure to timely file the full and complete application shall result in a forfeiture of the benefits under PSEBA by failure to properly submit a complete application.

(B) A complete PSEBA application includes the following:

- (1) The name of the Applicant, date of hire, detailed information regarding the incident, including information relating to how the injury was sustained in the line of duty (date, time, place, nature of injury, and other factual circumstances surrounding the incident giving rise to said claim);
- (2) The Applicant's firsthand knowledge explaining, to the Village's satisfaction, how the injury/death directly resulted from:
 - (a) Response to fresh pursuit;
 - (b) Response to what is reasonably believed to be an emergency;
 - (c) An unlawful act perpetrated by another; or
 - (d) Participation during the investigation of a criminal act.
- (3) A signed PSEBA medical authorization release which authorizes the collection of information related to the incident including, but not limited to, disability pension proceedings, worker's compensation records, and

- medical records and specifies the name and address for pertinent health care provider(s);
- (4) A signed PSEBA general information release specifying the name and signature of the Applicant or his/her authorized representative along with legal proof of said representation and name and signature of witness authorizing the collection of information pertinent to the incident review process;
 - (5) The name(s) of witnesses to the incident;
 - (6) The name(s) of witnesses the Applicant intends to call at the PSEBA hearing;
 - (7) Information and supporting pension documentation filed with the appropriate pension board;
 - (8) Information supporting the PSEBA eligibility requirements; and
 - (9) Other sources of health insurance benefits currently enrolled in or received by the Applicant and/or family members if the Applicant is deceased.
- (C) The PSEBA application must be submitted to the Village Clerk in its entirety.
- (D) The PSEBA application must be sworn and notarized to certify the truthfulness of the content of the information. A review of the application shall not occur until the application is complete.
- (E) On the date that the PSEBA application is deemed complete by the Village, the completed application shall then be submitted to the Village as the Preliminary Record, and a copy of the same shall be date stamped and provided to the Applicant.
- (F) Upon receipt of a complete application for PSEBA benefits, the Village shall set the matter for an administrative hearing before a hearing officer to make a determination on whether to grant the Applicant PSEBA benefits based on the result of the administrative hearing.
- (G) The Applicant will be given written notice of the date for the scheduled administrative hearing to be served not less than **ten (10) days** prior to the commencement of the hearing. If the Applicant, upon receiving written notice of the administrative hearing, cannot attend said date, the Applicant must contact the hearing officer in writing within **seven (7) days** after being served. The hearing officer shall establish an alternative hearing date which is within **thirty (30) days** of the original hearing date. Failure to appear at the administrative hearing shall result in denial of PSEBA benefits.

30-4-4 ADMINISTRATIVE COMPOSITION. The administrative hearing shall be scheduled and conducted by a hearing officer whose authority and limitations are as follows:

(A) **Authority of the Hearing Officer.** The hearing officer shall have all of the authorities granted to her/him under common law relative to the conduct of an administrative hearing, included the authority to:

- (1) Preside over Village hearings involving PSEBA;
- (2) Administer oaths;
- (3) Hear testimony and accept evidence that is relevant to the issue of eligibility under PSEBA;
- (4) Issue subpoenas to secure attendance of witnesses and the production of relevant papers or documents upon the request of the parties or their representatives;
- (5) Rule upon objections in the admissibility of evidence;
- (6) Preserve and authenticate the record of the hearing and all exhibits in evidence introduced at the hearing; and
- (7) Issue a determination based on the evidence presented at the hearing, the determination of which shall be in writing and shall include a written finding of fact, decision and order.

(B) **Hearing Officer.** The Mayor, with the advice and consent of the Village Board, is hereby authorized to appoint a person to hold the position of hearing officer for each hearing on PSEBA benefits that shall come before this Village. In making said selection, the following information should be considered, at a minimum:

- (1) The individual's ability to comply with the job description as set forth herein; and
- (2) The individual must be an attorney licensed to practice law in the State of Illinois and have knowledge of an experience in employment and labor law, general civil procedure, the rules of evidence, and administrative practice.

30-4-5 ADMINISTRATIVE HEARING. The system of administrative hearings for the determination of eligibility for benefits under PSEBA shall be initiated either by the Village or by the Applicant after the submission of a full and complete PSEBA application. An administrative hearing shall be held to adjudicate and determine whether the Applicant is eligible for benefits under PSEBA. If the Applicant is found eligible, the benefits shall be consistent with the Act.

(A) **Record.** The Village shall ensure that all hearings are attended by a certified court reporter and a transcript of all proceedings shall be made by said certified court reporter and a copy be provided to the Applicant within **twenty-eight (28) days** of the date of the administrative hearing.

(B) **Procedures.** The Village and the Applicant shall be entitled to representation by counsel at said administrative hearing and present witnesses, testimony and documents, may cross-examine opposing witnesses, and may request the issuance of subpoenas to compel the appearance of relevant witnesses or the production of relevant documents.

(C) **Evidence.** The Illinois Rules of Evidence shall apply to the extent practicable unless, by such application, the Hearing Officer determines that application of the rule would be an injustice or preclude the introduction of evidence of the type commonly relied upon by a reasonably prudent person in the conduct of her or his affairs. Such determination shall be in the sole discretion of the Hearing Officer. The Hearing Officer must state on the record her or his reason for that determination.

(D) **Final Determination.** A written determination by the hearing officer of whether the petitioning Applicant is eligible for the benefits under PSEBA shall constitute a final administrative determination for the purpose of judicial review under the common law writ of certiorari.

(E) **Burden of Proof.** At any administrative hearing, the Applicant shall have the obligation and burden of proof to establish that the Applicant is eligible and qualified to receive PSEBA benefits. The standard of proof in all hearings conducted under this Article shall be by the preponderance of the evidence.

(F) **Administrative Records.** All records pertaining to the administrative process shall be held in a separate file under the Applicant's name with the Village.

30-4-6 SEVERABILITY. If any provision of this Article or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.