

CHAPTER 30

PUBLIC SAFETY

ARTICLE I - CIVIL EMERGENCY

30-1-1 DEFINITIONS.

"CIVIL EMERGENCY" is hereby defined to be:

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

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

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

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

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

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

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

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

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

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

- (A) The Village Hall
- (B) The Post Office
- (C) The County Courthouse
- (D) The Community Schools

ARTICLE II - POLICE DEPARTMENT

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 be under the control and supervision of the Mayor.

30-2-2 OFFICE OF CHIEF CREATED. There is hereby established the office of the Chief of Police. The Chief shall be appointed by the Mayor with the advice and consent of the Village Board.

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.

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30-2-4 APPOINTMENT. A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the Village Board, to serve for one (1) year, or until his successor is appointed and qualified. 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. They shall receive such compensation as may be provided by the ordinances of the Village or by 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.

He shall attend, when requested by the Mayor, 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 APPOINTMENT OF PATROLMEN. A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the Village Board, and they shall severally hold office from year to year, or until the appointment and qualification of their respective successors and shall each, before entering into the performance of their duties, take the oath or affirmation required by law.

30-2-9 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 and all such

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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 of the Village, and then only when in uniform and in the performance of their duties.

30-2-10 LEGAL PROCESSES. All police shall have power and authority to execute Village warrants or other like legal process without the corporate limits of the Village and within such distance therefrom as authorized by law, in all cases when any ordinances 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 business within the limits of the Village.

30-2-11 ASSISTING POLICE OFFICER. Every police officer of the Village may, at any time, call upon any able-bodied person above the age of eighteen (18) years to aid him in the arresting or 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.

30-2-12 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.

30-2-13 FAILURE TO PERFORM. Any member of the Police Department who shall neglect or refuse to perform any duty required of him by the Code of the Village or the rules and regulations of the Department, or who shall, in the discharge of his official duties, be guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-14 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 Force to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

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30-2-15 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.

30-2-16 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.

30-2-17 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.

30-2-18 STOLEN PROPERTY. The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village. (Ill. Rev. Stat., ch. 24; §§ 11-1-1 through 11-1-7)

30-2-19 TRAINING.

(A) All police officers, other than those officers who shall be employed on a full-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board;

(B) The aforesaid hiring standard, particularly with respect to part-time police officers employed by the Village of Germantown, Clinton County, Illinois, shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.

30-2-20 COMPENSATION. Auxiliary policemen shall receive such hourly compensation for their services as determined by the corporate authorities, provided such services are performed at the direction of the Chief of Police.

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ARTICLE III

EMERGENCY SERVICES AND DISASTER AGENCY
(ESDA)

30-3-1 ESTABLISHMENT. There is hereby created the Village ESDA to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975," and any amendments thereto.

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

30-3-2 COORDINATOR. The Coordinator of the Village ESDA shall be appointed by the Mayor and shall serve until removed by the same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, 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 as the Coordinator, the Mayor, or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code.

30-3-3 FUNCTIONS. The ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition, shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the "State ESDA Act of 1975," and any amendments thereto.

30-3-4 SERVICE AS MOBILE SUPPORT TEAM. All or any members of the ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA, as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the ESDA 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.

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30-3-5 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS. The Coordinator of ESDA may negotiate Mutual Aid Agreements with other villages or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor.

30-3-6 EMERGENCY ACTION. If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

30-3-7 COMPENSATION. Members of the ESDA who are paid employees or officers of the Village, if called for training by the State Director of ESDA, 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 such compensation as may be established by the Mayor.

30-3-8 REIMBURSEMENT BY STATE. The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

30-3-9 PURCHASES AND EXPENDITURES. The Mayor may, on recommendation of the Village Coordinator of ESDA, authorize any purchase of contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the Village Coordinator of ESDA is authorized on behalf of the Village to procure such services, supplies, equipment or materials as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The State ESDA Act of 1975," and amendments thereto, provided that if the Mayor meets at such time, he shall act subject to the directions and restrictions imposed by that body.

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30-3-10 OATH. Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

"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 of America, 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; 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 as I am affiliated with the ESDA organization, 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."

30-3-11 OFFICE. The Mayor is authorized to designate space in a Village Building, or elsewhere, as may be provided for by the Mayor for the Village ESDA as its office.

30-3-12 APPROPRIATION - LEVY OF TAXES. The Mayor may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents (5¢) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975," and amendments thereto; however, that amount collectable under such levy shall in no event exceed twenty-five cents (25¢) per capita.