

CHAPTER 30

PUBLIC SAFETY

ARTICLE I CIVIL EMERGENCY

3011 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 threat to use force if accompanied by immediate power to execute by **two (2) or more persons** acting together without authority; or

(B) Any natural disaster or manmade 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.

3012 DECLARATION OF EMERGENCY. Whenever an emergency as defined in **Section 3011** of this Article exists, the Mayor or an appointed designee of the Mayor, shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

3013 CURFEW. After proclamation of a civil emergency by the Mayor or an appointed designee of the Mayor, he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she 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.

3014 AUTHORITY OF MAYOR TO ISSUE ORDERS. After the proclamation of a civil emergency, the Mayor or an appointed designee of 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, dispensing or giving away of any firearms or ammunition of any character whatsoever.

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

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

3015 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 or an appointed designee of the Mayor indicating that the civil emergency no longer exists. The Mayor or an appointed designee of 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.

3016 NOTIFICATION. Upon issuing the proclamation herein authorized, the Chief of Police 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 Post Office.
- (C) The Police Station.

3017 PENALTY. Any person violating the provisions of this Article or executive order issued pursuant thereto shall be guilty of an offense against the City and shall be punishable by a fine not to exceed **Seven Hundred Fifty Dollars (\$750.00)**.

(65 ILCS 5/111-6)

ARTICLE II POLICE DEPARTMENT

3021 ESTABLISHMENT AND PURPOSE. A Police Department is hereby established to provide for the preservation of the peace and the enforcement of all municipal ordinances and applicable State Statutes within the corporate limits of this Municipality. **(Ord. No. 822; 010383)**

3022 ORGANIZATION. The Municipal Police Department shall consist of a Police Chief, who shall head the department, a Deputy Chief of Police, which shall be an exempt rank immediately below that of Chief, and such other officers as may be provided for from time to time by the City Council. **(Ord. No. 1418; 04-21-08)**

30-2-3 APPOINTMENTS.

(A) The Mayor and City Council expressly reserve unto themselves, their powers as granted by **Chapter 65 ILCS Section 5/10-2.1-4.**

(B) The selection, qualifications and appointment and removal of the Chief of Police shall be solely vested in and with the corporate authorities of the City, and the Police Chief shall be appointed by the Mayor, with the advice and consent of the City Council at the first meeting in May, and the Chief of Police shall hold his/her office for a term of **one (1) year.** The Chief of Police shall be a full time position, and he/she shall receive a salary established and set by the City Council. **(Ord. No. 1579; 06-02-14)**

(C) The Deputy Chief of Police shall be appointed by the Chief of Police as set forth in **Chapter 65, Section 5/10-2.1-4,** with the advice and consent of the Mayor and City Council. The Deputy Chief of Police shall be a full time position, and he/she shall receive a salary established and set by the City Council.

(D) All other full-time police officers of this Municipality shall be appointed by the Board of Police Commissioners in accordance with the applicable provisions of the **Board of Fire and Police Commissioners Act** upon their being advised by the Mayor and City Council that a vacancy exists and an officer is needed. **(Ord. No. 1600; 05-04-15)**

30-2-4 OATH AND BOND. Before entering upon the duties of his/her office, every member of the Police Department shall subscribe to the oath for municipal officers. **(Ord. No. 822; 01-03-83)**

30-2-5 EXEMPTION FROM JURY DUTY. Every police officer employed by this Municipality is hereby declared exempt from jury duty. **(Ord. No. 822; 01-03-83)**

30-2-6 QUALIFICATIONS. Every police officer of this Municipality shall meet the following qualifications:

- (A) Applicant shall be at least **twenty-one (21) years of age**.
- (B) Applicant shall possess a high school diploma or its equivalent.
- (C) Applicant shall be physically and psychologically healthy as determined by appropriate tests.
- (D) Applicant shall be of good character and shall not have been convicted of a felony or a crime involving moral turpitude.
- (E) It is specifically provided that a person shall be eligible to take the initial examination for a position as a full-time regular police officer of the City even if that person is not an actual resident of the City at the time of the making of the application or at the time of the taking of any such examinations as prescribed by the Board of Fire and Police Commissioners of the City; however, any applicant selected must, upon notification of the commencement of the probationary appointment, the residency requirements as stated in the current union agreement, within **six (6) months** of the date of commencement of his/her duties as a police officer.

Residence within the meaning of this Article is defined as follows: That place where a person has his/her true, fixed, and permanent home, and to which whenever he/she is absent, he/she has the intention of returning. Residence within the meaning of this Article further means that it is the police officer's home and fixed place of habitation and not a transient place of dwelling. It is further specifically provided that all persons, in order to continue to qualify to be a member of the Police Department of the City must, at all times, maintain the residency requirements as stated in the current union agreement. Any such person's failure to so maintain a residence shall be considered an automatic ground for such person's dismissal. Any rules adopted or hereinafter amended by the Board of Fire and Police Commissioners shall be in conformity and consistent with the provisions of this Article.

- (F) Applicant shall meet any other qualifying requirements imposed by proper authorities acting pursuant to the provisions of the **Board of Fire and Police Commissioners Act.**
(Ord. No. 1244; 060302, Unless Otherwise Noted)

3027 DUTIES OF POLICE OFFICERS. In addition to any duties a particular police officer may have by virtue of his/her rank within the Department, every police officer of this Municipality is authorized and obliged to perform the following duties:

- (A) To serve and execute all warrants for the violation of municipal ordinances and codes or the State Criminal Code.
- (B) To arrest or cause to be arrested all persons who break the peace or are found violating any municipal ordinance or code or any State criminal law.
- (C) To direct, control, and regulate vehicular and pedestrian traffic in a manner consistent with the provisions of State law and the Motor Vehicle Code of the City.

(D) To remove any unattended, abandoned, or disabled vehicle from the public roadways of this Municipality if such vehicle is obstructing normal traffic flow; and

(E) To exercise all other powers as conservators of the peace that the Council may prescribe.

(Ord. No. 822; 010383)

3028 DUTIES OF CHIEF OF POLICE AND DUTIES OF DEPUTY CHIEF OF POLICE.

(A) The Chief of Police of this Municipality shall have the following powers and duties in addition to those set forth in **Section 30-2-7:**

- (1) He/She shall be responsible for the administration and management in directing the day-to-day operations, activities and staff of the Chester Police Department.
- (2) He/She shall plan, direct, coordinate and administer operational readiness of all units within the department.
- (3) He/She shall provide leadership and serve as a resource to personnel.
- (4) He/She shall be responsible for ensuring compliance with applicable state, federal and local ordinances, laws, rules and regulations.
- (5) He/She shall aid municipal officers in the execution of their official duties, upon request.
- (6) He/She shall report monthly, or at such times upon request of the Mayor and the City Council, on the state of the Police Department.
- (7) He/She shall be in command of all municipal police officers and the Deputy Chief of Police, and shall see that the discipline and conduct of every officer conforms to rules of the Department.
- (8) He/She shall make rules consistent with the provisions of applicable municipal codes and State laws as needed for the detailed operation of the Police Department, subject to the approval of the Mayor and City Council. Such rules shall cover off-duty and on-duty conduct and activity of officers, the wearing and care of the uniform, the use and practice with sidearms and other police weapons, the use of police radios and other communications, attendance at training meetings, and such other matters as he/she determines to be necessary for the operation of the Department.
- (9) He/She shall be responsible for the care, maintenance, and use of all vehicles and equipment for the Department.

- (10) He/She shall diligently perform all of his/her duties with respect to the reporting of vehicular accidents.
- (11) He/She shall cause nuisances to be abated when so directed by the Mayor.
- (12) He/She shall work under the direction of the Mayor and City Council.
- (13) He/She shall carry out supervisory responsibility in accordance with City policies, procedures and applicable laws, including but not limited to cooperating with and participating in interviewing, hiring, training, planning, assigning, and directing work; appraising performance, rewarding and disciplining employees, addressing complaints/grievances and resolving problems.
- (14) Being responsible for preparing and/or oversight of yearly evaluations of all municipal Police Officers and dispatchers and ensure the completion of evaluations on all officers and dispatchers.
- (15) He/She shall manage, plan and direct the operation and administration of the Police Department. Examples include but not limited to: creation and dissemination of departmental policies and standard operational guidelines; efficient use of personnel and equipment; procurement of apparatus, materials, supplies and equipment; preparation and administration of Department budget; and the maintenance of adequate records of departmental activities and expenditures.
- (16) He/She shall develop short and long term goals and objectives and is responsible for overall direction of the Department projects and programs to ensure efficient organization and operation. He/She shall monitor, review and communicate implementation phases of departmental strategic plans to ensure goals and objectives are met.
- (17) He/She shall confer with the Mayor and/or Chairman of the Public Safety Committee to keep them informed on key issues and progress toward objectives and to gain their support and approval and make recommendations to assist management in making needed improvements.
- (18) He/She shall perform special assignments as requested, including but not limited to researching and preparing reports and projects, developing and implementing programs and presenting technical data to management, elected officials and others as directed.

- (19) He/She shall maintain effective relations with other public officials, City Departments, police departments, community leaders, citizens and media.
- (20) He/She shall create, attend and participate in programs to maintain favorable public relations within the police department and between the public and the police department.
- (21) He/She shall keep abreast of changes in the state, federal and local ordinances, laws, rules and regulations applicable to the Police Department.
- (22) He/She shall participate in the collective bargaining process as directed by the Mayor.
- (23) He/She shall participate in the Safety Committee programs/activities.
- (24) He/She shall be required to attend regular City Council Meetings and Departmental Committee Meetings.
- (25) His/Her attendance for any other Department Committee Meetings and/or Special City Council Meetings is required when the Mayor and/or Chairman of the applicable Committee request attendance.
- (26) He/She shall perform other duties and tasks as assigned by the Mayor and/or City Council.

(B) The Deputy Chief of Police of this Municipality shall have the following powers and duties in addition to those set forth in **Section 30-2-7:**

- (1) The Deputy Chief of Police shall be a supervisory position working under the direction of the Chief of Police and subordinate to the Chief of Police. The primary responsibility of this position will be to fill the appropriate link in the Chain of Command. All municipal police officers will be subordinates, and the Deputy Chief of Police shall be responsible for their supervision and the supervision of the dispatchers.
- (2) The Deputy Chief of Police shall work with the Chief of Police to develop new programs designed for the betterment of the department and strive to ensure that policies are enforced as intended.
- (3) The Deputy Chief of Police shall assist the Chief of Police in the development and implementation of each year's budget.
- (4) At the direction of the Chief of Police, the Deputy Chief of Police may conduct investigations and/or provide disciplinary recommendations for consideration by the Chief of Police, regarding alleged violations of any City or departmental policy misconduct or grievances.
- (5) The Deputy Chief of Police shall work with the Chief of Police to provide leadership and serve as a resource to officers and

dispatchers.

- (6) The Deputy Chief of Police shall support the Chief of Police in the presence of the officers and dispatchers at all times.
- (7) The Deputy Chief of Police shall work under the direction of the Chief of Police and/or Mayor, and the hours, days and shifts worked shall be determined by the Chief of Police.
- (8) The Deputy Chief of Police shall carry out supervisory responsibility at the direction of the Chief of Police, including but not limited to:
 - (a) Providing recommendations regarding staffing levels and officer shift assignments.
 - (b) Being responsible for completing work scheduled in a timely manner and ensuring that all officers and dispatchers adhere to departmental policies and/or Union contract requirements.
 - (c) Being responsible for documenting all hours worked by all municipal Police Officers and dispatchers. Additionally, recording use of and keeping a running total of each officer's and each dispatcher's sick, vacation, personal and compensatory time and coordinating efforts with the Deputy City Clerk as needed to ensure records are correct.
 - (d) Being responsible for ordering equipment, clothing and supplies for all members of the Police Department, including keeping a running total of each Police Department employee's clothing allowance balance for the year.
 - (e) Coordinating the repairs of all departmental vehicles ensuring that all departmental vehicles receive the necessary routine maintenance. Being responsible for maintaining accurate vehicle maintenance records on each vehicle.
 - (f) Being responsible for reviewing Officer's reports for accuracy and completeness.
 - (g) Assist the Chief in preparing evaluations of all municipal Police Officers and dispatchers.
 - (h) Carrying out supervisory responsibility, at the direction of the Chief of Police, in accordance with City policies, procedures and applicable laws including but not limited to participation in interviewing, hiring, training, planning, assigning and directing work; appraising performance, commending and disciplining employees; investigating, addressing complaints/

- grievances and preparing reports and/or draft responses to same; and resolving problems.
- (i) Assist the Chief of Police in representing the Department in negotiations with Union, gathering information for same and participating in recommendations for proposals and responses thereto, at the direction of the Chief of Police.
 - (j) Assisting the Chief of Police in the direction, operation and administration of the Police Department. Examples include but not limited to: creation and dissemination of departmental policies and standard operational guidelines; efficient use of personnel and equipment; procurement of materials, supplies and equipment; preparation and administration of Department budget; and the maintenance of adequate records of departmental activities and expenditures.
 - (k) Maintaining effective relations with other public officials, City Departments, police departments, community leaders, citizens and media.
 - (l) Maintaining favorable relations with the public for the purpose of promoting the Police Department and assisting the Chief of Police in guiding Officers of the Police Department.
 - (m) Assuming the duties of the Chief of Police in the Chief of Police's absence.
 - (n) May be required to attend City meetings as directed by the Chief of Police.
 - (o) Performing other duties and tasks as assigned by the Chief of Police, the Mayor and/or City Council.

(Ord. No. 1418; 04-21-08)

30-2-9 **UNIFORM.** All police officers shall be furnished clothing meeting the standards of color, style, and quality specified by the Department. Any officer who leaves the Department shall return all official uniforms, insignia, sidearms, badges, or any other equipment or paraphernalia furnished to him before receiving final compensation. **(Ord. No. 822; 01-03-83)**

30-2-10 **DETECTIVE POSITION.** The Chief of Police may at his discretion from time to time designate a regular full-time Police Officer to serve as a detective. This officer shall meet the same standards and qualifications specified for other Police Officers and perform such duties as prescribed by the Chief of Police. **(Ord. No. 1244; 06-03-02)**

30-2-11 **PROBATIONARY OFFICERS: EXPENSE.**

(A) All probationary police officers hired after **February 21, 1995** shall be responsible to defray all expense for all minimum training requirements necessary for said person to become a regular non-probationary police officer. Such expenses include but are not limited to cost of training academy, tuition, miscellaneous fees, books, travel and lodging.

(B) The police officers shall be paid from the date they are hired even if they are undergoing or will be undergoing required minimum training. **(Ord. No. 1076; 02-21-95)**

30-2-12 **PART-TIME POLICE.**

(A) **Employment.** The City of Chester, Illinois, may employ part-time police officers from time to time as they deem necessary. Part-time police officers shall be appointed annually at the first meeting in May by the Mayor with the advice and consent of the City Council. **(Ord. No. 1600; 05-04-15)**

(B) **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such duties as delineated in the General Orders of the Chester Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. 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 ILETSB.

(C) **Hiring.** The hiring standards for part-time law enforcement officers shall be the following:

- (1) A part-time police officer shall be at least **twenty-one (21) years of age.**
- (2) A part-time police officer shall possess a valid State of Illinois driver's license.
- (3) A part-time police officer shall possess a high school diploma or its equivalent.
- (4) A part-time police officer shall be physically and psychologically healthy, and may be required to undergo such examinations as the City may from time to time require.
- (5) A part-time police officer shall be of good character and shall not have been convicted of a felony or a crime involving moral turpitude.
- (6) A part-time officer shall be a resident of Randolph County, Illinois, or establish residency in Randolph County, Illinois, within **six (6) months** of the date of hire. A part-time dispatcher shall be a resident of Randolph County, Illinois, or establish residency in Randolph County, Illinois, within **six (6) months** of the date of hire. (**Ord. No. 1719; 10-07-19**)
- (7) A part-time police officer shall obtain, from the Illinois Law Enforcement Training Standards Board, a certificate:
 - (a) attesting to his or her successful completion of the part-time police training course;
 - (b) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Illinois Law Enforcement Training Standards Board; or
 - (c) attesting to the Illinois Law Enforcement Training Standards Board's determination that the part-time police training course is unnecessary because of the persons extensive prior law enforcement experience.Part-time police officers hired after **January 1, 1996** must obtain this certificate within **eighteen (18) months** after the date of hire. Part-time police officers hired before **January 1, 1996** must obtain this certificate before **January 1, 1998.**
- (8) Any individual who has served in the U.S. Military must have been honorably discharged.
- (9) A part-time police officer shall meet any other qualifying requirement imposed by law.

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

(Ord. No. 1540; 06-04-12)

ARTICLE III - POLICE REGULATIONS

30-3-1 POLICE DEPARTMENT ORGANIZATION.

(A) The Municipal Police Department shall be headed by the Chief of Police who shall be in command. The Chief of Police shall at all times be in command of the Police Department; however, in the event of absence of the Chief of Police due to illness, vacation or other reason, the Deputy Chief of Police shall be in command of the Police Department due to the Chief of Police's temporary absence. In the event that the Chief of Police and the Deputy Chief of Police should both be unable to be in command of the Police Department, then the Chief of Police shall exercise power and authority to designate who shall be in temporary command of the Police Department due to the absence or inability of the Chief of Police and Deputy Chief of Police, and if the Chief of Police is unable to so designate, then the Mayor shall designate who shall be in the temporary command of the Police Department due to the absence or inability of the Chief of Police and Deputy Chief of Police.

(B) Sergeants who shall be full-time police officers appointed from within the Chester Police Department by the Board of Police Commissioners pursuant to the **Board of Fire and Police Commissioners Act** may be appointed when requested by the Mayor and the City Council. Sergeants shall be responsible to the Chief of Police and the Deputy Chief of Police and be responsible for the direct supervision and management of patrol officers and perform such duties as designated by the Chief of Police and the policy of the Chester Police Department.

(Ord. No. 1600; 05-04-15)

30-3-2 VIOLATION OF LAW.

(A) There shall be no violation or attempted violation of any Federal, State, County, or Municipal Law.

(B) A conviction of the violation of any law will be prima facie evidence of a violation of this Section.

(C) Officers shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in these Rules and Regulations or elsewhere.

(D) Failure by any officer or officers to comply, carry out, enforce, or execute the rules and regulations approved by the Mayor and Council for the government of the City Police Department or a violation of such rules and regulations by any officer or officers shall be sufficient grounds for the Chief of Police to take appropriate disciplinary action to reflect the seriousness of the violation. In the event the Chief of Police fails to comply, carry out, enforce, execute any rules and regulations as approved by the Mayor and the Council, or the Chief of Police violates such rules and regulations, the Chief of Police shall be subject to disciplinary action as deemed appropriate by the Mayor. In the event the Deputy Chief of Police fails to comply, carry out, enforce, or execute any rules and regulations as approved by the Mayor and the Council, or the Deputy Chief of Police violates such rules and regulations, the Deputy Chief of Police shall be subject to disciplinary action as deemed appropriate by the Mayor. **(Ord. No. 1418; 04-21-08)**

30-3-3 DISOBEDIENCE OF ORDERS. It is prohibited to fail to obey and fully execute any lawful order, written or verbal, given by a superior officer/employee, which shall include, but not necessarily be limited to, these rules and regulations, all general and special orders, and policies and procedures of the Department. (The term "**lawful order**" shall be construed as any order in keeping with the performance of any duty prescribed by law or by these rules and regulations, or for the preservation of good order, efficiency and proper discipline, which is not in conflict with these rules and regulations.) **(Ord. No. 844; 10-17-83)**

30-3-4 POSSESSION/USE OF ALCOHOL. Possession and/or use of alcohol on duty, other than in an authorized duty capacity, unless absolutely required to conduct a police investigation shall be prohibited and no member or employee of the Department shall be, to any degree, under the influence of alcoholic beverages while on duty. Additionally, being intoxicated in public while off-duty is prohibited. (For purposes of this rule, a person shall be considered intoxicated if the amount of alcohol in the person's blood attains/exceeds the level of the presumption of being under the influence as found in the **Illinois Vehicle Code.**) **(Ord. No. 844; 10-17-83)**

30-3-5 POSSESSION/USE OF CONTROLLED SUBSTANCES. Possession and/or use on duty of controlled substances, except with the approval and guidance of a licensed physician of Illinois and with the knowledge of a superior is prohibited. At no time may an employee of the Department use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the Department/City. **(Ord. No. 844; 10-17-83)**

30-3-6 PAYMENT OF DEBTS/LEGAL LIABILITIES. Failure to pay all just debts and legal liabilities: No member or employee shall borrow any money from or otherwise become indebted to any City official, other member, or employee; shall solicit any City official, other members, or employees to co-sign, endorse or in any way whatsoever guarantee any promissory note or other loan; or shall offer to act as co-signatory, endorser or guarantor of any promissory note or other loan for any City official, other member, or employee of the Department. **(Ord. No. 844; 10-17-83)**

30-3-7 WITHHOLDING INFORMATION ON CRIMINAL ACTIVITY. Withholding information on criminal activity is prohibited. **(Ord. No. 844; 10-17-83)**

3038 UNDERTAKING SELFASSIGNED POLICE ACTION. For purposes of this Article, "selfassigned" means action undertaken at the discretion of a member of the Department under less than emergency circumstances, or action initiated by any member of the Department without the request, direction, or by the instruction of a superior. All emergency selfassigned police action shall, **within twenty-four (24) hours** after commencement, be reported in writing to the Chief of Police. Should the matter involve the Chief of Police, all reporting shall be reported to the Mayor. **(Ord. No. 844; 101783)**

3039 PROHIBITED ASSOCIATION/FREQUENTING. Frequenting or associating with person(s), organizations, or places with a bad reputation, unless necessary for police business, where such associating or frequenting would be detrimental to the image of the Department or the City is prohibited. To this end, personal association with persons who have been convicted of a felony within the last **five (5) years**, or who are under criminal investigation or indictment, or have an open and notorious reputation in the community for felonious activity is prohibited. **(Ord. No. 1244; 06-03-02)**

30310 COOPERATION WITH POLICE INVESTIGATIONS: FAILURE. Failure to fully cooperate with a police investigation is prohibited. Nothing in this Section shall be construed to be violative of one's Federal or State constitutional rights. **(Ord. No. 844; 101783)**

30311 USE/DISPLAY OF FIREARMS. Drawing or displaying of a firearm in any place except for necessary inspection or use is prohibited. Officers firing a gun accidentally or intentionally, except on a target range shall report the same in writing to the Chief of Police. Officers shall not intentionally fire their guns, except as authorized by law or at a firearms range. **(Ord. No. 844; 101783)**

30312 PUBLIC CRITICISM OF THE DEPARTMENT. Public criticism of the Department, its policies or members by talking, writing, or expression in any manner, where such talking, writing or expression: (a) is defamatory; (b) is obscene; (c) is unlawful; (d) tends to impair the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth or falsity is prohibited. To this end, employees and members shall make maximum utilization of the grievance procedure of the Department as described in the general orders of the Department. **(Ord. No. 1244; 06-03-02)**

30313 DIVULGENCE OF DEPARTMENTAL BUSINESS. Discussion of the operations and official business of the Department, which is of a confidential nature, with anyone outside the Department without the permission of a superior is prohibited. For purposes of this Section, all Department documents and orders are to be considered confidential unless otherwise directed by a superior. This Section does not apply to orders that are of such a nature that they must be communicated to others. **(Ord. No. 844; 101783)**

30314 **DEPARTMENT CORRESPONDENCE.** Entering into official Department correspondence with anyone or any agency outside the Department, except with the approval of the Chief of Police, is prohibited. All official department communications, by telephone or otherwise, outside of the City without the permission of a superior is prohibited. **(Ord. No. 844; 101783)**

30315 **POLITICAL UTILIZATION OF OFFICIAL POSITION.**
Utilization of one's official position with the Department for political purposes: To this end, the use of one's official position for a nonduty related involvement in an election is prohibited. Nothing in this Section should be construed to prohibit a member of the Department from, as a private citizen: (a) exercising the right of suffrage; (b) casting a vote or expressing one's opinions; (c) being delegates to or members of a political caucus; or (d) taking part in a political canvass. **(Ord. No. 844; 101783)**

30316 **NOTICES POSTING; CIRCULATION; DESTRUCTION; DEFACING.** Destroying or defacing any official written notice relating to police business is prohibited. The posting or circulation of any notices of a nonofficial derogatory character relating to any person, group or police activity is prohibited. **(Ord. No. 844; 101783)**

30317 **PERSONAL APPEARANCE.** Failure to have a neat, clean personal appearance, which adversely reflects upon the individual's competency, efficiency and pride as a member of the Department and the ability of the City and Department to foster and enhance a professional, efficient, effective image/posture: To this end, the wearing of an improper uniform, failure to carry all necessary police equipment, or to maintain one's uniform and/or equipment in good order is prohibited. **(Ord. No. 844; 101783)**

30318 **PROFESSIONAL IMAGE.** Failure to work diligently or with a bearing consistent with the image of a professional police officer is prohibited. Such conduct shall not include but not necessarily be limited to the following:

- (A) Unnecessary shouting or using obscene language;
- (B) tardiness in reporting for work;
- (C) conducting personal business while on duty;
- (D) sleeping, loafing, or being idle while on duty;
- (E) taking excessively long meals or refreshment breaks;
- (F) failure to respond promptly to a request for police service;
- (G) failure to return promptly to service after finishing handling a call for police service;

- (H) lack of courtesy to an individual, either on the phone or in person;
- (I) gambling, unless to further a legitimate police purpose.

(Ord. No. 1244; 06-03-02)

30319 VACATIONS; SICK DAYS; ETC. The policy established per current Fraternal Order of Police contract and as amended by the Council which governs the following: vacation earned, sick days earned, days off, observance of holidays, leave of absence, and overtime will apply to and cover the Police Department. **(Ord. No. 844; 101783)**

30320 USE OF FORCE. Use of force which is excessive to accomplish one's lawful purpose. To this end, all persons detained shall be treated humanely and with regard to their legal rights. **(Ord. No. 1244; 06-03-02)**

30321 UNSATISFACTORY PERFORMANCE. Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluation or a written report of repeated infractions of rules, regulations, directives or orders of the Department. **(Ord. No. 844; 101783)**

30322 CARRYING OF GUN AND DEPARTMENTAL IDENTIFICATION. Failure to carry one's gun and Department Identification in the City, while on actual duty is prohibited. **(Ord. No. 844; 101783)**

30323 DEPARTMENTAL PROPERTY REPORTING DAMAGE/RETURN. Failure to immediately report in writing all damage to police vehicles and equipment or to file such report which contains all known facts surrounding the cause and nature of the damage is prohibited. In the event that municipal property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible.

Additionally, officers shall return all equipment owned by the Department when they retire, resign, or otherwise leave the Department, and they shall return any police equipment when ordered to do so because of suspension or other absence from work. **(Ord. No. 844; 101783)**

30324 **UNAUTHORIZED PERSONS IN POLICE VEHICLES.** Allowing unauthorized persons to ride in police vehicles is prohibited. Unauthorized persons are those who are not police personnel, prisoners, or on official **(authorized)** police business. **(Ord. No. 844; 101783)**

30325 **DUTY TO READ/UNDERSTAND/COMPLY WITH ORDERS.** Failure to read, understand or comply with all rules and regulations, general and special orders, policies and procedures of the Department, written or verbal orders of a superior is prohibited. To this end, it shall be considered to be **Neglect of Duty** to fail to inquire of a superior, until the matter is resolved, any question as to the meaning or application of any law, rule or regulation, general or special order, policy or procedure, written or verbal order. **(Ord. No. 844; 101783)**

30326 **RECEIPT OF MAIL/CALLS/VISITORS AT POLICE STATION.** Consistently receiving personal mail, or visitors at the police station, utilization of departmental telecommunications equipment for nonduty related purposes is prohibited. **(Ord. No. 844; 101783)**

30327 **COURTROOM DEMEANOR.** Unprofessional courtroom demeanor is prohibited. Officers should be punctual, properly dressed and prepared (to include consultation with the prosecutor and processing pertinent police reports, notes and evidence). At all times, members of the Department shall maintain a respectful attitude toward the court and both counsels. Should one be requested/subpoenaed to testify for the defense in any trial or hearing, or against the City or Department in any hearing or trial, the one so requested/subpoenaed shall notify the Chief of Police in writing upon receipt of the request/subpoena. **(Ord. No. 1244; 06-03-02)**

30328 **TRUTHFULNESS/COOPERATION.** Testifying, making reports or conducting police business in a less than truthful and/or cooperative manner is prohibited. **(Ord. No. 844; 101783)**

30329 **DEPARTMENTAL RECORDS/REPORTS/CITATIONS.** Stealing, altering, forging, or tampering with any kind of police record, report or citation: To this end, the removal of any records, card, report, letter, document, or other official file from the Department, except by process of law as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining/duplicating or attempted obtaining/duplicating or attempted obtaining/duplication of any information from Department files, sources or reports other than that to which one is properly entitled to in accordance with one's duties/assignments is prohibited. **(Ord. No. 844; 101783)**

30330 **ILLNESS/CONDITION (PHYSICAL/MENTAL)/SICK LEAVE.** Failure to notify a superior officer when one becomes ill and cannot report for work, or if there is any change in one's physical/mental health that could disqualify the individual from being employed by the Department is prohibited. Additionally, the use of sick leave without just cause, submitting a false statement, or the furnishing of any false information with reference thereto by any member or employee of the Department is strictly prohibited. **(Ord. No. 1244; 06-03-02)**

30331 **ABSENCE FROM WORK.** Absence from work without permission or abstaining wholly or in part from the full performance of one's duties in one's normal manner without permission is prohibited. To this end, employees claiming physical or mental incapacity relating to their employment shall honor the request of the Chief of Police or his designated agent to be periodically interviewed as to the nature and extent of a claimed injury or illness and/or submit to an examination of the claimed physical/mental incapacity by an individual chosen by the Chief of Police or his designated agent or in the alternative, an individual chosen by the employee claiming the incapacity. In either event, the examining party must be licensed by the State of Illinois to conduct such examinations and the results of the examination shall be made totally available both to the employee and the Chief of Police. Failure to honor such a request of the Chief of Police or his designated agent shall be violative of this rule. **(Ord. No. 844; 101783)**

30332 **RESIDENCE TELEPHONE/ADDRESS.** An employee must maintain a telephone at one's residence and immediately notify the Chief of Police, in writing, of any change of address or telephone number. **(Ord. No. 844; 101783)**

30333 **COMMERCIAL UTILIZATION OF ENFORCEMENT AUTHORITY.** Utilization of the enforcement authority granted/approved by the City where one is compensated, directly or indirectly for exercising the enforcement authority/image for commercial purpose, as opposed to official purpose, is prohibited. **(Ord. No. 844; 101783)**

30334

EMPLOYMENT OUTSIDE OF DEPARTMENT.

(A)
conditions:

Officers may engage in offduty employment subject to the following

- (1) such employment shall not interfere with the officer's employment with the Department;
- (2) officers shall submit a written request for offduty employment through the chainof-command, to the Chief, whose written approval must be granted prior to engaging in such employment; and
- (3) officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, bail bond agencies, or investigative work for other police agencies, insurance agencies, private guard services, collection agencies or attorneys or any other real or apparent conflict of interest.

(B) Approval may be denied or withdrawn where it appears that the outside employment might:

- (1) render the officer unavailable during an emergency, or
- (2) physically or mentally exhaust the officer to the point that his performance may be affected, or
- (3) require that any special consideration be given to scheduling of the officer's regular duty hours, or
- (4) bring the Department into disrepute or impair the operation or efficiency of the Department or the officer, or
- (5) place the officer in situations that may result in utilization of Departmental resources for Nondepartmental activities/employment.

(Ord. No. 844; 101783)

30335

GIFTS SOLICITATIONS/ACCEPTANCE.

Soliciting or accepting any gifts/gratuity from a host or donor if the employee knows or has reason to believe that the host or donor is seeking to influence the member/employee's performance or nonperformance of an official duty, has an interest which may be substantially affected by the performance of an official duty, has a substantial interest in an enterprise which is licensed or regulated by the Municipality, or has a pending matter before the Municipality or the judiciary. No member or employee of the Department shall receive any gift or gratuity without the written permission of the Chief of Police, and the Mayor. This shall not preclude a member or employee from giving or receiving any gift or gratuity from relatives or close friends upon appropriate occasions. **(Ord. No. 844; 101783)**

30336 **ON/OFF DUTY CONDUCT MORALE/EFFICIENCY/IMAGE/
PUBLIC CONFIDENCE.** Engaging in conduct on or off duty which adversely affects the morale or efficiency of the Department, or in the alternative, engaging in conduct on or off duty which has a tendency to destroy public respect for the employee and/or the Department and/or destroy confidence in the operation of the municipal service is prohibited. **(Ord. No. 844; 101783)**

30337 **NEGLECT OF DUTY.** Neglect of duty is prohibited. To this end, there shall be no failure to give suitable attention to the performance of duty. Examples include, but are not necessarily limited to, failure to take appropriate action on the occasion of a criminal offense, disorder or other act or condition deserving police attention; absence without leave, failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any rule or regulation, general or special order; or failure to conform to Department operating policies and/or procedures. **(Ord. No. 844; 101783)**

30338 **PROMPT PERFORMANCE OF DUTY.** Failure to promptly perform as directed all lawful duties required by constituted authority, in spite of the general assignment of duties and responsibilities is prohibited. **(Ord. No. 844; 101783)**

30339 **INSUBORDINATION.** Insubordination, which shall include, but not necessarily be limited to, any failure or deliberate refusal to obey a lawful order given by a superior or any disrespectful, mutinous, insolent, or abusive language or action toward a superior, whether in or out of the presence of the superior, is prohibited. **(Ord. No. 844; 101783)**

30340 **VALUABLE ITEMS BUYING/RECEIVING/SELLING.** Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of or which arose out of Department employment is prohibited. **(Ord. No. 844; 101783)**

30341 **SOLICITATION OF FAVORABLE ACTS.** Soliciting anyone to intercede with the Chief of Police, Mayor, legislative body, Chester Police Commission, or any elected/appointed official in relation to promotions, departmental assignment, disposition of pending changes or findings in a disciplinary proceeding is prohibited. Nothing in this Section shall be construed to be applicable to a licensed attorney at law of the State of Illinois when representing an employee/member of the Department. **(Ord. No. 1244; 0603-02)**

30342 MISCONDUCT KNOWN TO DEPARTMENTAL PERSONNEL.

Failure to report a fellow Department member or employee's violation of a law, rule or regulation, policy or procedure, general or special order will be subject to disciplinary action. To this end, all such violations shall be reported in writing to a superior in the Department. Any violation on the part of the Chief of Police shall be reported to the Mayor. **(Ord. No. 844; 101783)**

30343 PHYSICAL/MENTAL CONDITION.

Lack of maintenance of good physical/mental condition which interferes with the proper handling of Departmental business is prohibited. **(Ord. No. 844; 101783)**

30344 TERMINATION OF DUTY/ASSIGNMENT.

Termination of duty/assignment unless properly relieved or dismissed by constituted authority is prohibited. **(Ord. No. 844; 101783)**

30345 POSSESSION OF KEYS.

Possession of keys pertaining to Department business or obtained under Departmental authority, not one's own, without the approval of the Chief of Police is prohibited. **(Ord. No. 844; 101783)**

30346 COOPERATION WITH INTERNAL INVESTIGATIONS.

Failure to answer questions, respond to lawful orders, to render material and relevant statements in an internal departmental investigation when such orders, questions and statements are directly related to job responsibilities is subject to disciplinary action. Nothing in this Section shall be construed as to be violative of one's Federal or State constitutional rights. **(Ord. No. 844; 101783)**

30347 PARTICIPATION IN CIVIL MATTERS.

Giving a deposition, affidavit or appearing as a witness in a civil matter stemming from one's official duties as a Department member without the knowledge of the Chief of Police is prohibited. **(Ord. No. 1244; 06-03-02)**

30348 LEAVING CITY.

Members of the City Police Department will be prohibited, while on duty, of leaving the City limits, unless:

- (A) They have been requested to assist the County Police Department or the State Police Department;
- (B) In pursuit of a car in which the officer is confident that a felony has been committed or such other duties as assisting the fire department, ambulance service, or other similar emergencies; and

(C) Is ordered to do so by a superior officer such as the Chief of Police, Deputy Chief of Police, Sergeant or the Mayor. **(Ord. No. 1600; 05-04-15)**

30349 RENDERING AID/FURNISHING IDENTIFICATION. Failure to render aid or furnish information as is consistent with one's duty is subject to disciplinary action. To this end, a Department member/employee shall furnish one's name and badge number in a respectful manner when so requested. **(Ord. No. 844; 101783)**

30350 LOSS OF CITY PROPERTY OR EQUIPMENT REPORTING. Failure to promptly report to the Chief of Police, Deputy Chief of Police or Sergeant the loss of any City property/equipment that has been furnished the individual is subject to disciplinary action. **(Ord. No. 1600; 050415)**

30351 RECOVERED PROPERTY/EVIDENTIARY MATERIAL. Failure to turn over to the designated agent of the Department all lost, stolen, recovered, abandoned or evidentiary material which comes into the possession of a Department member as a result of the performance of departmental duties is subject to disciplinary action. To this end, all such material shall be turned over prior to the completion of the tour of duty during which the material came into the possession of the member of the Department. **(Ord. No. 844; 101783)**

30352 FEES/REWARDS. Acceptance or receipt of any fee or reward from any source for any services rendered in the line of duty is prohibited. **(Ord. No. 844; 101783)**

30353 FIGHTING/QUARRELING. Fighting or quarreling with another member of the Department is prohibited. **(Ord. No. 844; 101783)**

30354 DEPARTMENT PROPERTY: LOSS/DAMAGE NEGLIGENCE OR INATTENTION. Loss/damage to Department property due to negligence or inattention to duty is subject to disciplinary action. **(Ord. No. 844; 101783)**

30355 ESCAPES. Allowing a suspect or prisoner to escape from custody due to negligence or inattention to duty is subject to disciplinary action. **(Ord. No. 844; 101783)**

30356 GENERAL RESPONSIBILITIES AT CRIME SCENE/ARRESTS.

Failure to thoroughly search for, collect, preserve and identify evidence of persons, property and locations in any arrest or investigation is subject to disciplinary action. **(Ord. No. 844; 101783)**

30357 SERVING AS CHARACTER WITNESS.

Giving testimony as a character witness for any defendant in a criminal trial without the knowledge of the Chief of Police is prohibited. **(Ord. No. 844; 101783)**

30358 KNOWLEDGE OF LAWS/RULES; REGULATIONS/POLICIES AND PROCEDURES/GENERAL AND SPECIAL ORDERS.

Failure to establish and maintain a working knowledge of laws, policies and procedures, rules and regulations, general and special orders is subject to disciplinary action. **(Ord. No. 844; 101783)**

30359 REGISTRATION OF PERSONAL POLICE EQUIPMENT.

Failure to register with the Chief of Police, Deputy Chief of Police or Sergeant the description and/or serial numbers of all personal police equipment owned or carried is subject to disciplinary action. **(Ord. No. 1600; 050415)**

30360 SETTLEMENT OF DUTY INCURRED EXPENSES/DAMAGES.

Acceptance from any person of money or other compensation for damages sustained or expenses incurred in the line of duty is prohibited unless authorized by the Court. **(Ord. No. 844; 101783)**

30361 DUPLICATION OF POLICE IDENTIFICATION.

Duplication, trading, or exchanging of police identification without the knowledge and consent of the Chief of Police is prohibited. **(Ord. No. 844; 101783)**

30362 PRIVATE BENEFIT FROM DEPARTMENTAL ASSOCIATION.

Use of the prestige or influence of one's official position, or the use of the time, facilities, equipment or supplies of the Department for the private gain or advantage to oneself or another is prohibited. **(Ord. No. 844; 101783)**

30363 USE OF PRIVATE VEHICLES/EQUIPMENT.

Use of private vehicles/equipment for official purposes unless directed/authorized to do so by the Chief of Police or Mayor is prohibited. **(Ord. No. 844; 101783)**

30364 LABOR DISPUTES. Entry into any buildings, structures, or premises where persons have been placed to indicate a labor dispute in progress, except when necessary in the performance of duty, is prohibited. **(Ord. No. 844; 101783)**

30365 REPORTS. When a crime has been committed, the officer on duty will cause a preliminary report to be prepared and left at the Police Department prior to termination of duty for that date. A complete report by officers involved when a crime has been committed will be submitted to the Chief of Police with all pertinent facts in writing at the earliest possible time **within twenty-four (24) hours** from the time of knowledge of the crime. **(Ord. No. 844; 101783)**

30366 RESIDENCY. Employees shall reside within **four (4) miles** of the police department. Those employees with **twenty (20)** or more years of service may reside within the Chester Community School District boundaries, which lie east of the Mississippi River contingent upon the employee retiring within **one (1) year** of moving outside the City limits. The Chief of Police and the Deputy Chief of Police are required to maintain residency within the City. Full-time police and telecommunication staff shall reside within **four (4) miles** of the police department. Those employees within **twenty (20)** or more years of service may reside within the Chester Community School District boundaries, which lie east of the Mississippi River contingent upon the employee retiring within **one (1) year** of moving outside the City limits. Part-time staff are required to reside within the Chester Community School District #139.

30367 DEPARTMENTAL DISCIPLINE.

(A) **Who Is Subject to Disciplinary Action.** Any member or employee who violates or attempts to violate a law of the United States of America, the State of Illinois, local codes or ordinances, or who violates or attempts to violate any rule or regulation, policy or procedure, general or special order, written or verbal order, or who is incompetent to perform one's duty is subject to appropriate disciplinary action.

(B) **Department Authority to Discipline.** Final departmental disciplinary authority and responsibility rests with the Chief of Police. Other supervisory personnel may take the following disciplinary measures:

- (1) Oral reprimand;
- (2) Written reprimand (subject to approval by the Chief of Police);
- (3) Emergency suspension;
- (4) Written recommendations for other penalties.

(C) **Emergency Suspension.** The following personnel have the authority to impose emergency suspension until the next business day against a member or employee when it appears that such action is in the best interest of the Department:

- (1) Chief of Police
- (2) Deputy Chief of Police
- (3) Sergeant
- (4) The Mayor in cases involving the Chief of Police or Deputy Chief of Police.

(Ord. No. 1600; 05-04-15)

(D) **Follow-Up Action on Emergency Suspension.** A member or employee receiving an emergency suspension shall be required to report to the Chief of

Police on the next business day at **0900 hours** unless otherwise directed by constituted authority. The supervisor imposing or recommending the suspension shall also report to the Chief of Police at the same time.

(E) **Reports of Disciplinary Action Taken or Recommended.**

Whenever disciplinary action is taken or recommended (except for oral reprimand) a written report must be submitted immediately to the Board of Police and Fire Commissioners and the Mayor by the Chief of Police or the officer in charge containing the following information:

- (1) The name, rank, identification number, and present assignment of the person being disciplined, including specific assignment and hours of assignment;
- (2) The date(s) and time(s) of the misconduct and location(s), indicating on or off duty;
- (3) The section number(s) of these rules violated or common name of this infraction;
- (4) A complete statement of facts of the misconduct;
- (5) The punishment imposed or recommended;
- (6) The written signature and position of the preparer and the preparer's position in relation to the member being examined.

(F) **Distribution of Reports of Disciplinary Action.** The report shall be distributed as follows by the one imposing or recommending disciplinary action:

- (1) Original and **one (1) copy** to the Chief of Police via the chain of command.
- (2) **One (1) copy** to the subject of the report.
- (3) **One (1) copy** retained by the supervisor imposing or recommending the action.

(G) **Informing the Person Being Disciplined.** The member or employee being disciplined shall be informed of the charges at the time such action is taken.

(H) **Citizen Complaints Against Department Personnel.**

Complaints by citizens against members or employees of the Department shall be recorded and investigated by the supervisor in charge as soon as possible in accordance with the following directions. When the investigation cannot be completed on the date it is received, a preliminary report will be prepared by the supervisor in charge outlining the complaint and his/her actions and delivered to the Chief of Police via chain of command. Cases involving the supervisor in charge shall be investigated by the next senior supervisor. All investigations of the Chief of Police or Deputy Chief of Police shall be conducted by the Mayor or a committee appointed by the Mayor. **(Ord. No. 1418; 04-21-08)**

(I) **Serious Complaints or Allegations.**

If, in the opinion of the supervisor in charge, the incident is of sufficient gravity, the Supervisor shall notify the Chief of Police, regardless of the hour. In addition, immediate action necessary to

preserve the integrity of the Department until arrival of the Chief of Police shall be taken. Should the matter pertain to or involve the Chief of Police, the Mayor shall be notified.

(J) **Investigation of Alleged Misconduct.** The individual assigned the investigation of an alleged act of misconduct on the part of a member or employee of the Department shall conduct a thorough and accurate investigation.

Such investigation shall include formal statements from all parties concerned, when necessary and pertinent, the gathering and preservation of physical evidence pertaining to the case, and all other information bearing on the matter.

(K) **Reports of Investigation of Alleged Acts of Misconduct.** Alleged acts of misconduct must be investigated and results of the investigation must be reduced to a written report. The investigator shall summarize the pertinent facts, including:

- (1) An abstract (summary) of the complaint or alleged act of misconduct;
- (2) A description of the incident, physical evidence and other evidence important to the case;
- (3) The observations and conclusions of the investigating officer.

(L) **Conclusion of Investigation Involving Department Members/Employees.** All investigations of Department members or employees accused of misconduct will conclude with one of the following findings:

- (1) **Unfounded:** The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel;
- (2) **Exonerated:** Acts did occur, but were justified, lawful and proper;
- (3) **Not Sustained:** Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- (4) **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

Appropriate disciplinary action, if required, will be recommended by the investigator in accordance with the following paragraph (M). The report will be forwarded via the chain of command to the Chief of Police with each member in the chain indicating his/her approval or disapproval and attaching any remarks or observations bearing on the case.

(M) **Penalties.** The following penalties may be assessed against any member or employee of the Department as disciplinary action:

- (1) Oral reprimand;
- (2) Written reprimand;
- (3) Suspension;
- (4) Dismissal from service.

Department members shall have the right to have their discipline cases reviewed by the Board of Police and Fire Commissioners. Probationary employees have no appeal rights of disciplinary proceedings.

(Ord. No. 1244; 06-03-02)

ARTICLE IV

**EMERGENCY MANAGEMENT AGENCY
(EMA)**

30-4-1 POLICY AND PROCEDURES.

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**); 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.

30-4-2 **LIMITATIONS.** Nothing in this Code shall be construed to:

- (A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, internet, 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 City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-4-3 **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- (A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.
- (B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, domestic terrorism or hostile military or paramilitary action.
- (C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.
- (D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.
- (E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services,

rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

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

30-4-4 EMERGENCY MANAGEMENT AGENCY.

(A) There is hereby created an Emergency Management Agency and a coordinator of the Emergency Management Agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed at the first meeting in May by the Mayor with the advice and consent of the City Council and he/she shall serve for a term of **one (1) year**.

(B) The Emergency Management Agency shall obtain, with City Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency 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 organizations of the county, other counties and municipalities, and of the federal and state government. The Coordinator 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 coordinator, the assistant coordinator 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 coordinator until a new appointment is made as provided in this Code.

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

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

(F) The 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.

30-4-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

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

(B) In performing his/her duties under this Code, the Mayor is authorized to cooperate with county, 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.

30-4-6 FINANCING.

(A) It is the intent of the City Council 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 City Council'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, the Mayor 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 City Council for the purpose of enacting ordinances as the City Council 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 City Council 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 City Council can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority during a disaster to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-4-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or City Council. 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 City Council. 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 City Council meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

30-4-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-4-9 **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.** The coordinator 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 30-4-3** 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.

30-4-10 **COMMUNICATIONS.** The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-4-11 **IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he/she would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-4-12 **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed

elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

30-4-13 APPROPRIATIONS AND LEVY OF TAX. The City Council 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 City Council 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.

30-4-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS. Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-4-15 ORDERS, RULES AND REGULATIONS.
(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/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 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency

Management Agency Act. The local Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL. In carrying out the provisions of this Code, the Mayor and the coordinator of the Emergency Management Agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the Emergency Management Agency.

30-4-17 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.

30-4-18 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 coordinator of the Emergency Management Agency shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

30-4-19 COMPENSATION. The Emergency Management Agency Coordinator and Assistant Coordinator shall receive a salary as established by the Mayor and City Council. Other members of the Emergency Management Agency who are paid employees or officers of the City, 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 City employees or officers shall receive for such training time, such compensation as may be established by the Mayor and City Council. **(Ord. No. 1579; 06-02-14)**

30-4-20 ASSISTANT COORDINATOR. The Assistant Coordinator of the City Emergency Management Agency shall be appointed by the Mayor with the advice and consent of the City Council. The Assistant Coordinator shall be under the direction of the Emergency Management Agency Coordinator. The Assistant Coordinator shall assist the Coordinator as necessary. In the event of the absence, resignation, death or inability of the Coordinator to serve, the Assistant Coordinator shall be and act as Coordinator.

30-4-21 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 coordinator of the municipal Emergency Management Agency or before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

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

30-4-22 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.

(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-4-23 MOBILE SUPPORT TEAM. All or any members of the City 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 Coordinator of the City EMA organization.

Any member of a Mobile Support Team who is a City 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 City, while so serving, shall receive from the State, reasonable compensation as provided by law.

30-4-24 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Five Hundred Dollars (\$500.00)**.

(See 20 ILCS 3305/1 et seq.)

(Ord. No. 1453; 04-20-09)

ARTICLE V FIRE DEPARTMENT

DIVISION I GENERALLY

3051 DEPARTMENT ESTABLISHED. There is hereby established a department of the government known as the Fire Department. It shall consist of the Volunteer Fire Department and the Fire Committee of the City Council.

3052 FIRE COMMITTEE. The standing committee on fires shall exercise a general supervision over the affairs of the Fire Department. It shall ascertain the needs and condition thereof and shall report the same to the City Council from time to time.

3053 PURPOSE. The purpose of the City Fire Department is to provide fire protection without charge within the corporate City limits, and also to provide fire protection for a charge to the area immediately adjoining the City.

3054 NAME. The name of the Department shall be the **Chester Volunteer Fire Department.**

3055 MEMBERSHIP. The membership of the City Volunteer Fire Department consists of a Fire Chief, Assistant Fire Chief, **four (4) Captains, two (2) Lieutenants** and **seventeen (17) Firefighters.** These **twenty-five (25) persons** are the regular firefighters and the Department also has **five (5) auxiliary firefighters** making a total of **thirty (30) firefighters.** The Fire Chief is appointed by the Mayor of the City subject to the approval of the City Council. The Assistant Chief is named by the Fire Chief and is subject to the approval of the Mayor and City Council. **Four (4) Captains** are named by the Fire Chief subject to the approval of the Mayor and City Council. **Two (2) Lieutenants** are named by the Fire Chief subject to the approval of the Mayor and City Council.

The remaining firefighter positions are filled by the selection of a member of the Auxiliary Firefighters or from applications on file to be a regular Firefighter and subject to a written vote of the members of the regular Firefighters present at the meeting at the time such a position is open. The regular firefighter appointments are subject to the approval of the Mayor and the City Council.

The Auxiliary Firefighters are named by the regular members of the Chester Volunteer Fire Department from an application list of names which have been given by the regular firefighters. The appointment of all Auxiliary Firefighters shall be subject to a written vote by the members present at the meeting. The Secretary/Treasurer of the Chester Volunteer Fire Department is nominated from the members of the regular Fire

Department and subject to a written vote of the members present at the meeting of such nomination. The nomination and election of a Secretary/Treasurer shall be held at the annual **January Meeting**.

All members of and applicants for the Chester Volunteer Fire Department or Auxiliary Firefighters shall be **eighteen (18) years** of age and a graduate of high school or have a GED, shall be physically and mentally able to perform the duties of a firefighter and reside in Illinois within the area designated as the area protected by the Chester Fire Department prior to becoming a Volunteer or Auxiliary Firefighter and during the time that he or she may be a Volunteer or Auxiliary Firefighter. However, pursuant to **65 ILCS 5/3.1-10-6**, the Fire Chief shall reside within the City of Chester. **(Ord. No. 1609; 090815)**

3056 RESIGNATION. A Fireman may resign from the Department by stating his wish to resign at any regular meeting of the City Volunteer Fire Department, or may be asked to resign by a majority vote of the members voting to this request.

3057 SUSPENSION. Membership shall automatically be suspended if a member misses **three (3) successive regular meetings** of the City Volunteer Fire Department. Membership may be reinstated on the request of the suspended member and a favorable written vote of the members at the meeting and payment of a fine shall be determined at that time.

3058 MEETING AND DRILLS. The regular meeting of the City Volunteer Fire Department shall be held on the **last Tuesday of every month at 7:30 P.M.** in the Department Fire House. Members are required to be in uniform for the regular meetings unless otherwise notified. Members not attending the regular meeting as well as members attending who are out of uniform are subject to a fine.

3059 REGULAR DRILL. The regular drills of the Fire Department shall be held on the **first (1st) and third (3rd) Tuesday of every month at 6:30 P.M.** at the Department Fire House. Members not attending the regular drills are subject to fine. **(Ord. No. 1239; 04-01-02)**

30510 SPECIAL MEETINGS. Special meetings and drills of the City Volunteer Fire Department may be called at any time by the Fire Chief.

30511 CHAIN OF COMMAND. During the absence of the Fire Chief or temporary incapacity of the Fire Chief, the Assistant Fire Chief shall perform the duties and have the power of the Fire Chief. In the event of the absence or incapacity of the Fire Chief and the Assistant Fire Chief, the Senior Captain is next in the chain of command and other Captains in their seniority order.

30512 **FIRE CHIEF SHALL PRESIDE AT MEETINGS.** The Fire Chief shall preside at all meetings of the City Volunteer Fire Department, shall appoint all committees, and shall carry on those other responsibilities assigned to him by the Mayor, City Code, or the Bylaws.

30513 **SECRETARY RESPONSIBLE FOR FUNDS.** The Secretary-Treasurer shall keep all records and accounts of the City Fire Department and have charge of its funds. He shall keep all funds in a bank approved by the members, and in the name of the City Volunteer Fire Department, subject to withdrawal by checks signed in such a manner as may, from time to time, be approved by the members. He shall provide a bond, as required by the City Council.

30-5-14 **EMAC PAYMENT.** Members of the Fire Department of the City of Chester, Illinois, who are deployed during times of Federally Authorized Interstate Deployments following the expressed agreements in the Emergency Management Assistance Compact (EMAC) and during statewide Intrastate Deployments authorized by the State of Illinois Emergency Operations Center in compliance with and pursuant to the Illinois Statewide Emergency Plan and/or in response to any incident involving a Presidential declared disaster shall be paid at the rate of **Twenty-Two Dollars (\$22.00)** per hour for each hour worked during the deployment. **(Ord. No. 1590; 12-15-14)**

30515 RESERVED.

DIVISION II FIRE REGULATIONS

30516 **ENFORCEMENT OF CODE.** It shall be the duty of all officers of the Fire Department 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 Code, 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.

30-5-17 **USE OF APPARATUS - INJURY.** No person shall use any fire engine, hose or any other apparatus belonging to the City for any private purpose, other than the extinguishment of fires, nor shall he remove the same or any part thereof from its place of deposit, or having the control thereof shall permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid.

No person shall willfully or negligently break, deface or in any manner, injure any fire engine, hose, equipment, or other fire apparatus, belonging to the City, or shall remove any screw, bolt, nut, or any part of such engine or other fire apparatus or in any manner, interfere with the sale when being used by the proper person or authority. **(Ord. No. 1239; 04-01-02)**

30-5-18 **ENTERING FIRE HOUSES.** It shall be and is hereby declared unlawful for any unauthorized person or persons to enter the Fire Department house or any place where the equipment and apparatus of the Fire Department is stored, at any time, except on business of the Fire Department or other City business.

30-5-19 EQUIPMENT. The City Council shall supply the necessary apparatus and equipment as may be required from time to time to maintain the efficiency of the Department and its ability to protect life and property.

30-5-20 INSPECTIONS. The Chief is empowered to inspect or he may request the State Fire Marshal to inspect any and all public buildings and premises at any reasonable time for the purpose of inspecting the premises for dangerous fire hazards which may threaten life or property. Any dangerous condition shall be ordered abated by the Fire Chief and/or State Fire Marshal.

30-5-21 MUTUAL AID AGREEMENTS. The Fire Department is authorized to enter into mutual aid agreements with neighboring fire districts or municipalities owning fire apparatus; no apparatus or equipment shall aid a municipality or district unless an agreement is on record. Such aid and assistance to another municipality or district shall not jeopardize the fire protection within the City.

30-5-22 FALSE ALARMS. In the event that the Fire Department responds to more than **three (3) false alarm** calls within the City on behalf of any person or entity in any given calendar year, then such person or entity shall beginning with the fourth such call be liable to the City to the same extent as a non-residential call. **(Ord. No. 1049; 11-15-93)**

30-5-23 FIREFIGHTING SERVICE AND/OR NON-MEDICAL EMERGENCY SERVICE: MEMBERSHIP CONTRACTS.

(A) **Membership Contract Available.** The City of Chester will offer membership contracts for firefighting service and/or non-medical emergency service (those services normally provided by the City of Chester Fire Department) to landowners and/or persons in possession of real estate outside the corporate limits, but within the 911 service area map (ESN 223) encircled in blue on Appendix "C" available at City Hall. The membership contracts shall contain the terms and conditions as stated in this Section.

(B) **Membership Fees.** The annual rate for Members who have contracted with the City for firefighting services and/or non-medical emergency services shall be **Sixty Dollars (\$60.00)**, and shall not be pro rated. If the landowner or person in possession of real estate fails to make this payment in a timely manner, the landowner or person in possession of real estate will be subject to the non-member rates below. **(Ord. No. 1602; 05-18-152)**

(C) **Non-Member Fees.** The rates for firefighting service and/or non-medical emergency service for persons not residing within the corporate limits of the

City of Chester and who have not entered into a membership contract for such services shall be as follows:

- (1) **One Thousand Five Hundred Dollars (\$1,500.00)** for the **first (1st) hour**. This shall be the minimum charge.
- (2) **Three Hundred Seventy-Five Dollars (\$375.00)** for each **fifteen (15) minutes** or portion of any subsequent quarter hour thereafter.

The time of service shall be computed from departure from the Chester Fire Department facilities until time of return to such facilities.

This charge shall apply whether the service is rendered within or outside of the corporate limits of the City of Chester.

(Ord. No. 1602; 05-18-15)

(D) **Separate Tract.** A separate membership fee and agreement shall be required for each residence and for each separate tract of real estate for which service is desired if the separate tract is not adjacent to the residential tract. **(Ord. No. 1293; 06-07-04)**

30-5-24 COSTS FOR CERTIFICATION. Upon the recommendation of the Fire Chief of the Chester Volunteer Fire Department, the actual costs of classes and books necessary for a member of the Fire Department to obtain his/her Firefighter II Certification shall be paid by the City of Chester. The costs for additional certifications or classes may be paid by the City of Chester upon approval of the City Council. **(Ord. No. 1589; 12-15-14)**

30-5-25 MABAS AGREEMENT. The Mayor and the City Council and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part thereof. **(See Appendix "A")**

30-5-26 MABAS BY-LAWS. The Mutual Aid Box Alarm System Executive Board By-Laws attached hereto and made a part hereof is hereby approved. **(See Appendix "B")**