

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCY

30-1-1 **DEFINITIONS.**

“CIVIL EMERGENCY” is hereby defined to be:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) The City Hall.
- (B) The Post Office.
- (C) The Court House.

(See 65 ILCS Sec. 5/11-1-6)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-2-1 ORGANIZATION. The Police Department of the City shall be a subordinate department of the Department of Public Affairs. The Police Department shall consist of the Mayor, the Commissioner of the Department of Public Affairs, the Chief of Police, an assistant Chief of Police, and such number of regular policemen, part-time policemen, auxiliary policemen and radio operators as may be appointed by the Mayor or Commissioner of the Department of Public Affairs from time to time, and such other employees of the City as may hereinafter be required to exercise police power by City Code.

30-2-2 APPOINTMENTS. The Chief of Police shall be appointed by the Mayor, subject to the approval of the City Council. All other appointments or promotions within the Department, or removals from office of personnel within the Department shall be made by the Commission of the Department of Public Affairs.

30-2-3 CHIEF OF POLICE; DUTIES. The Chief of Police shall, under the supervision of the Mayor, exercise general supervision and control over the Police Department and its personnel, and shall see that all other police officers are prompt and efficient in the discharge of their duties. He shall enforce rules and regulations of the Police Department as may be, from time to time, established by City Code or by the Commissioner of the Department of Public Affairs. It shall be the further duty of the Chief of Police to see that the ordinances of the City and the statutes of the State of Illinois are observed and enforced within the City limits. He shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the City Council. He shall receive as his salary such sum as the City Council shall, by proper resolution, determine, such salary to be payable in equal bi-weekly installments.

30-2-4 ASSISTANT CHIEF OF POLICE; DUTIES. The Assistant Chief of Police shall exercise such authority and perform such duties as shall be assigned him or her by the Chief of Police or the Commissioner of the Department of Public Affairs. He shall, also, in the absence of the Chief of Police, have the same authorized duties as the Chief of Police.

30-2-5 POLICEMEN; DUTIES. It shall be the duty of the members of the Police Department to see that the ordinances of the City and the statutes of the State of Illinois are observed and enforced within the City limits. When any violation of law or any ordinance shall come to the knowledge of any member of the Police Department he shall, without delay, cause the proper complaint to be made before some court having jurisdiction and cause the

necessary witnesses to be subpoenaed for the proper prosecution of the offender. The Mayor or any Commissioner or City employee in whom police power has been vested by ordinance may, and all other police officers shall, arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any municipal ordinance or any criminal law of the State; shall commit arrested persons for examination; shall, if necessary, detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper court; and shall exercise all the powers as conservators of the peace. Policemen shall be at least **twenty-one (21) years** of age, shall have a valid Illinois driver's license, shall have no criminal record, shall pass a background investigation, be of sound mind and character, be physically able to perform police tasks, shall complete successfully any and all mandatory training as may be prescribed by federal, state and local laws and regulations, and shall be qualified under all federal, state and local laws, ordinances and regulations to be a law enforcement officer.

30-2-6 **MUTUAL AID CONTRACT.** The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities.

30-2-7 **SPECIAL POLICEMEN.** The Mayor may, on special occasions when, in his judgment for public peace and order of the City shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall be subject to the consent of the City Council in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-8 **LEGAL PROCESSES.** All police shall have the power and authority to execute City warrants or other similar legal processes outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City.

30-2-9 **ASSISTING POLICE OFFICER.** Every police officer of the City may, at any time, call upon any able-bodied person(s) above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

30-2-10 AIDING FIRE DEPARTMENT. Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

30-2-11 FAILURE TO PERFORM. Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

30-2-12 AIDING IN ESCAPE. It shall be unlawful for any person in this City to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

30-2-13 USE OF INTOXICATING LIQUOR. No member on an active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

30-2-14 WITNESS FEES. Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer.

30-2-15 RULES AND REGULATIONS. The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

30-2-16 TRAINING. All policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the proper authorities as established by the State of Illinois for firearms training. Such courses of

training shall not be less than **four hundred (400) hours** in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of the course.

30-2-17 **STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City.

30-2-18 **PART-TIME POLICE.**

(A) The Mayor may appoint with the advice and consent of the City Council part-time police officers. The Mayor and the Police Chief may discipline and discharge part-time police officers.

(B) A part-time police officers shall have all the responsibilities of a full-time police officer in such specific duties as shall be delineated in the general orders of the Sullivan Police Department. 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 Illinois Law Enforcement Training and Standards Board.

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

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

(D) Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police, but if no Chief of Police shall have been appointed then said officer shall be under the disciplinary jurisdiction of the Police Chief. They shall serve at the discretion of the City Council. They shall have no property rights in said employment and may be removed by the City Council at any time. Part-time police officers shall comply with all applicable rules and general orders issued by the Police Department.

(Ord. No. 12-17; 09-24-12)

30-2-19 - 30-2-24 **RESERVED.**

(See 65 ILCS Sec. 5/11-1-2)

DIVISION II - AUXILIARY POLICE

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

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

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

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

30-2-28 FIREARMS PROHIBITED. Part-time policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

30-2-29 TRAINING. Part-time policemen, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this Code. The training and course of study shall be determined and provided by the Chief of Police.

30-2-30 COMPENSATION. Auxiliary policemen may receive compensation as provided by the City Council.

30-2-31 - 30-2-34 RESERVED.

(See 65 ILCS Sec. 5/3.1-30-20)

DIVISION III – POLICE CODE

30-2-35 **CHIEF OF POLICE.**

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

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

(C) **Duty Hours.** The Chief of Police shall be on duty during the hours the Mayor establishes for the office and shall be available for duty in case of emergency at all other times.

30-2-36 **RULES AND REGULATIONS FOR ALL MEMBERS AND EMPLOYEES.**

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

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

He does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interest of the State, City or the Department. He does not seek to benefit personally by any confidential information which has come to him by virtue of his assignment. He is faithful and loyal to his organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their representatives in matters of mutual interest and obligation.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the Police Department. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of the members of the Department; the community places a trust in police officers and expects them to so conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.

There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public.

Each member of the Police Department will be required to conform to the **Law Enforcement Code of Ethics**.

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

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

(C) The Police Department does hereby operate in compliance with the Standard Operating Procedures as developed with and approved by the applicable State agencies.

30-2-37 PROFESSIONAL CONDUCT AND RESPONSIBILITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

(L) **Establishing Elements of Violation.** Existence of facts establishing a violation of a law, ordinance or rule is all that is necessary to support any allegation of such as a basis for a charge under this Section. It is not necessary that a formal complaint be filed or sustained.

Nothing in this Manual of Rules prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws and ordinances within the cognizance of the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(BB) **Intercession by Another.** No member/employee of the Police Department shall solicit any person to intercede with the Chief of Police, Mayor, City Council, Safety Committee, or any elected or appointed official in relation to promotions, departmental assignment, scheduling, disposition of pending charges or findings on a disciplinary proceeding. This Section shall not apply to licensed attorneys of the State of Illinois when representing an employee/member of the Police Department.

(CC) **Right to Appeal.** The Sullivan Police Department has a Standard Operating Procedure (SOP) that covers right to appeal.

(DD) **Disclosure of Departmental Business.** Discussion of the operations and official business of the Department without the permission of the Chief of Police is not permitted. (For purposes of this Section, all Department documents and orders, written or oral, are to be considered confidential unless otherwise directed by the Chief of Police.) This Section does not apply to orders that are of such nature that they must be communicated to others within the Police Department.

30-2-38 RESIGNATIONS. An officer who desires to resign from the Police Department must give at least **ten (10) days** notice of such intention. His resignation must be in writing and addressed to the Chief of Police.

30-2-39 GENERAL CONDUCT ON DUTY.

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

- (1) Sleeping, loafing, idling.
- (2) Recreational reading (except at meals).
- (3) Conducting private business.
- (4) Carrying newspapers or other articles (except in the performance of police duty).
- (5) Drinking intoxicating beverages (except in performance of a police duty, and then only with the specific consent of the Chief of Police and never in uniform).

- (6) **House of Ill Repute.** A member shall not enter any house of ill repute except in the performance of duty.
- (7) **Gambling.** Unless to further a police purpose, no games of chance for stakes or wagers shall be played in the station.
- (B) **Loitering.** All members on duty or in uniform shall not enter taverns, theaters or other places, except to perform a police task.
- (C) **National Colors and Anthem.** Uniformed members will render full military honors to the national colors and anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the national colors and anthems at appropriate times.
- (D) **Relief.** All members and employees are to remain at their assignments and on duty until properly relieved by another member or employee or until dismissed by competent authority.
- (E) **Meals.** Meals and breaks shall be of a reasonable amount of time.
- (F) **Reporting.** Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.
- (G) **Absence from Duty.** Every member or employee who fails to appear for duty at the date, time and place specified for so doing without the consent of competent authority is "**absent without leave**". Such absences may result in disciplinary action.
- (H) **Notification of Command.** Whenever any member of the Department becomes sick or disabled, the Chief of Police or the person in charge shall be notified without delay. Members unable to report for duty owing to sickness or disability shall notify the Chief of Police or person in charge not less than **one (1) hour**, if possible, prior to time of reporting for duty.
- (I) **Training.** All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police. Such attendance is considered a duty assignment.
- (J) **Physical Fitness for Duty.** All members of the Department shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer.

No member or employee of the Department shall become so physically obese as to hamper his or her ability to perform all aspects of the employment for which he or she was hired.
- (K) **Consumption of Intoxicants.** Members and employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired.
- (L) **Intoxication.** Members and employees shall not, at any time, be intoxicated while on duty. They shall not, at any time, on or off duty, be intoxicated in public view so as not to bring discredit to the Department.
- (M) **Intoxicants on Departmental Premises.** Members and employees shall not bring into or keep any intoxicating liquor on departmental premises. Liquor brought in departmental premises in the furtherance of a police task shall be properly identified and stored according to current policy.

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

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

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

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

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

(S) **Wearing the Uniform.** Uniforms shall be kept neat, clean and well-pressed at all times. While wearing the uniform, members shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling and keeping hands in pockets.

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

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

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

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

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

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

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

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

30-2-40 DEPARTMENT PROPERTY AND EQUIPMENT. Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

30-2-41 DAMAGED/INOPERATIVE PROPERTY OR EQUIPMENT. Members and employees shall immediately report to their commanding officer on designated forms any loss of or damage to departmental property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any Department equipment or property.

30-2-42 CARE OF DEPARTMENT BUILDINGS. Members and employees shall not mar, mark or deface any surface in the Department building. No material shall be affixed in any way to any wall in Department buildings without specific authorization from the Chief of Police or Mayor.

30-2-43 NOTICES. Members and employees shall not mark, or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the Chief of Police. No notices of a derogatory nature will be posted at any time.

30-2-44 MAINTENANCE OF MANUALS. All members and employees who are issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise.

30-2-45 SURRENDER OF DEPARTMENTAL PROPERTY. Members and employees are required to surrender all Department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the Department for the fair market value of the article(s).

30-2-46 **USE OF DEPARTMENTAL VEHICLES.** Members shall not use any departmental vehicle without the permission of the Chief of Police. Mileage and maintenance logs shall be kept at all times on all vehicles.

30-2-47 **VEHICLES – PERSONAL BUSINESS.** Departmental vehicles may be used for personal business only within the City limits.

30-2-48 **TRANSPORTING CITIZENS.** Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a command officer.

30-2-49 **REPORTING ACCIDENTS.** Accidents involving City personnel, property and/or equipment must be reported in accordance with adopted procedures.

30-2-50 **PRESUMPTION OF RESPONSIBILITY.** In the event that City 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.

30-2-51 **COMMUNICATIONS – CORRESPONDENCE.**

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

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

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

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

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

30-2-52 DEATH AND INJURY NOTIFICATIONS.

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

(B) **Non-Serious Injury.** In cases where the injuries are other than of a serious nature, a written report will be submitted on the **first (1st) work day** following the incident including all information required above. These reports are in addition to those accident and sick reports otherwise required.

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

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

30-2-53 INVESTIGATIONS, ARRESTS AND DETENTIONS.

(A) **Command of Scene.** At the scene of any crime, accident or other police incident, the ranking officer present shall assume command and direction of police personnel in such a manner as to assure the most orderly and efficient accomplishment of the police task. When **two (2)** or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision is intended to provide for the coordination of the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

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

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

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

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

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

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

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

(G) **Transportation of Prisoners.** Officers transporting prisoners shall do so in accordance with departmental policy. All prisoners conveyed in a police vehicle shall be searched for weapons/contraband before being placed in a car.

Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital and the transporting officers shall be responsible for the security of the prisoner until properly relieved by a guard officer unless otherwise directed by a superior officer.

Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.

Any prisoner transported to a hospital in a private ambulance shall be accompanied and guarded by an officer unless police exigencies dictate otherwise. In the latter case, a guard will be arranged for the prisoner as soon as possible.

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

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

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

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

(L) **Compromising Criminal Cases.** Members and employees shall not interfere with the proper administration of criminal justice.

Members and employees shall not attempt to interrupt legal process except where a manifest injustice might occur, nor participate in or be concerned with any activity which might interfere with the process of law.

Except in the interest of justice, members and employees shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar.

Any employee or member having knowledge of such action and failing to inform his superior officer thereof shall be subject to charges.

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

(N) **Recommending Attorneys is Prohibited.** Members and employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney to any person coming to their attention as a result of police business.

This does not apply when a relative of the member seeks such service.

In no case may such advice be given where a fee, gratuity, or reward is solicited, offered or accepted from the attorney.

Soliciting business for an attorney is gross misconduct.

(O) **Acting as Bailer Prohibited.** Members and employees cannot act as bailers for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.

30-2-54 PUBLIC ACTIVITIES.

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

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

without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the Department.

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

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

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

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

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

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

(I) **Impartial Attitude.** All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the State and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice is conduct unbecoming an officer.

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

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

(L) **Responding to Calls.** Members of the Department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary

circumstances or when otherwise directed by competent authority, no member shall fail to answer any landwire or radio call directed to him. The communications center will be informed when leaving the air and when returning to a duty status, and when a car is leaving and returning to the City limits.

30-2-55 JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES AND TESTIFYING.

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

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

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

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

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

(F) **Civil Action, Court Appearances – Subpoenas.** A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will not accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member or employee is informed that he is a party to a civil action arising out of departmental employment, he shall immediately notify his Chief of Police and the governmental attorney of the service or notification, and of the testimony he is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

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

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

30-2-56 - 30-2-59 RESERVED.

DIVISION III - INFECTIOUS MATERIALS AND DISEASE CONTROL

30-2-60 **POLICY.** It shall be the policy of the Police Department to comply with regulations of the Federal Occupational Safety and Health Act relating to occupational exposure to blood or other potentially infectious materials, and to inform Department members of appropriate precautionary measures to be taken in circumstances where members may be exposed to infectious materials.

30-2-61 **DEFINITIONS.** All definitions found in Section 29 CFR 1910.1030(b) of the Occupational Safety and Health Act entitled Bloodborne Pathogens, a copy of which is attached as Appendix A of this procedure, and is hereinafter made part of this Division shall apply when referred to herein.

30-2-62 **MEMBERS INCLUDED.** The following members of the Police Department can be reasonably anticipated to be exposed to blood or other infectious materials:

- (A) All sworn police personnel.
- (B) All community service officers.
- (C) The property/evidence custodian.
- (D) Communications personnel who serve as matrons.

30-2-63 **PRECAUTIONS.**

(A) Universal precautions as defined under 1910.1030(b) shall be taken by all members of the Department to prevent contact with blood or other potentially infectious materials.

(B) Department members shall treat all blood and other potentially infectious materials as defined in the O.S.H.A. regulations as potentially infectious, and follow all precautionary measures outlined in this Division at all times.

(C) Whenever any member's skin comes in contact with blood or other potentially infectious materials, the member shall immediately, or as soon as possible, wash their hands and any other skin with soap and warm water, or flush mucous membranes with water following the contact.

(D) Whenever a member of the Department while at the police facility, is exposed to any blood or potentially infectious materials, the member, as soon as possible, shall be required to wash their hands in running warm water with a non-abrasive soap, and then dry their hands with a clean cloth, paper towel or hand blower device.

(E) Members exposed to blood or other potentially infectious materials, who are in the field and not in the police facility, shall use antiseptic hand cleaners or towelettes, when handwashing facilities are not available.

(1) When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and warm running water as soon as possible.

(F) Members wearing protective gloves or other personal equipment, as soon as possible after removal of same, shall wash their hands immediately or as soon as possible, using soap and warm water.

(G) Whenever any member's skin comes in contact with blood or other potentially infectious materials, the member shall immediately, or as soon as possible, wash their hands and any other skin with soap and warm water, or flush mucous membranes with water following the contact.

30-2-64 PERSONAL PROTECTIVE EQUIPMENT.

(A) The Department shall provide personal protective equipment to Department members. This equipment shall not permit blood or other potentially infectious materials to pass through or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or mucous membranes under normal conditions when the personal protective equipment is worn.

(B) Personal protective equipment shall be available at the following locations:

- (1) All marked and unmarked police vehicles;
- (2) All workstations of members who may be exposed to blood or potentially infectious materials;
- (3) All supervisory offices;
- (4) The jail.

(C) Personal protective equipment shall consist of the following:

- (1) Disposable single use gloves;
- (2) Face shields and masks;
- (3) Gowns;
- (4) Surgical caps or hoods and/or shoe covers;
- (5) CPR pocket mask.

(D) Personal protective equipment shall be worn by Department members as follows:

- (1) Disposable gloves shall be worn whenever a member can be reasonably expected to have contact with blood, other potentially infectious materials, mucous membranes, or non-intact skin, and also, whenever a member handles or touches contaminated items or surfaces.
- (2) Face shields, masks and gowns shall be worn by Department members whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably expected.

- (3) Surgical caps or hoods and/or shoe covers shall be worn in instances where gross contamination can reasonably be expected. (Example: Autopsy)
- (4) CPR pocket masks shall be worn by members whenever they perform cardio-pulmonary resuscitation (CPR) to provide a physical barrier between the victim and the member performing mouth to mouth resuscitation.

(E) Supervisory members shall ensure that subordinates use appropriate personal protective equipment as required in this Division.

(F) In those cases where a member temporarily and briefly declined to use personal protective equipment, when, under rare and extraordinary circumstances, it was the member's professional judgment that in the specific instance the use of such protective equipment would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the member or another member, the circumstances shall be investigated and documented by the member's immediate supervisor to determine whether changes can be instituted to prevent such occurrences in the future.

(G) Personal protective equipment provided by the Department shall be of a disposable type, and not laundered or re-used.

(H) Personal protective equipment shall be removed by Department members prior to leaving the location of the incident where protective equipment use was required.

(I) All personal protective equipment once used, shall be disposed of by the member who used the equipment as follows:

- (1) The personal protective items shall be placed in the biohazard labeled bag provided with each personal protective kit;
- (2) The member shall place the biohazard labeled bag in the biohazard marked disposal receptacle placed in the property/evidence common area of the police department.
- (3) An additional biohazard disposal receptacle shall be placed in the jail area for use by jail personnel.
- (4) Biohazard labels shall conform to the requirements of the Occupational Safety and Health Act and be either fluorescent orange or orange-red in color.
- (5) The Department shall dispose of all biohazard labeled materials in accordance with current legal requirements and regulations governing same.

30-2-65 HOUSEKEEPING - GENERAL.

(A) Members of the Department shall ensure that all worksite areas where they are assigned are maintained in clean and sanitary condition.

(B) All working surfaces shall be cleaned and decontaminated with an appropriate disinfectant as soon as possible after coming into contact with blood or other potentially infectious materials. Disinfectants shall be of a tuberculocidal type.

(C) Surfaces, (i.e., the inside of police vehicles), where blood or other potentially infectious materials are overtly contaminated, or after any spill of blood or other potentially infectious materials has occurred shall, whenever possible, be cleaned and decontaminated immediately after the spill or overt contamination incident.

(D) Surfaces which may have been contaminated since the last cleaning shall be cleaned and disinfected at the end of the member's shift, if the surface may have been contaminated since the last cleaning.

(E) Receptacles used for disposing of blood or other potentially infectious materials shall be inspected for contamination on a daily basis, and cleaned and decontaminated immediately or as soon as possible once visibly contaminated. These containers, in addition to bearing the required biohazard labels shall:

- (1) Be closable;
- (2) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
- (3) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;
- (4) If the containers themselves are contaminated on the outside, they shall be placed in a second container. The second container shall be:
 - (a) Closable;
 - (b) Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
 - (c) Handled in accordance with **Section 30-2-64(I)(1-4)** of this Division as a biohazard.
 - (d) Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.

(F) Contaminated needles and sharps shall be disposed of without shearing or breaking. These items shall be disposed of in puncture resistant, biohazard labeled containers, having leakproof sides and bottoms.

(G) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, State of Illinois and any other County or local regulations.

(H) Disposal of all regulated waste shall be performed by a vendor, approved by the Chief of Police, at a licensed disposal facility. The approved vendor for the Police Department is Precision Energy Systems, 1040 N. Main Street, Lombard, Illinois 60148, TX: (708) 916-1661.

30-2-66 **LAUNDRY.**

(A) Contaminated laundry shall include, but not necessarily be limited to the following:

- (1) Member uniforms and clothing items worn on duty, including undergarments, socks, shoes and outerwear, whether supplied by the Department or personally owned, which have been exposed to

blood or other potentially infectious material while a member was performing his/her official duties.

- (2) All non-disposable blankets, bedding materials, prisoner clothing supplied by the Department, and wiping cloths of a non-disposable nature, used in the jail facility, regardless of whether the aforementioned items were exposed to blood or other potentially infectious material or not.

(B) Contaminated laundry shall be contained in the location where used, and handled as little as possible, with a minimum of agitation, and bagged or containerized at the location where it was used, and not sorted or rinsed in the location of use.

(C) Containers and bags used for storing contaminated laundry shall be constructed of materials which prevent soaking through or leakage of fluids to the exterior.

(D) Any member handling contaminated laundry shall wear disposable protective gloves. When circumstances indicate the possibility of splashing or spillage of blood or other potentially infectious materials on (date) from laundry, whether contained or not, the appropriate additional personal protective equipment shall be worn by any member when handling same.

- (1) In the case of a member's uniforms or clothing items being exposed to blood or other potentially infectious materials, the member shall change clothes at the police facility as soon as possible after the exposure and bag the uniform items with a biohazard label.
- (2) In no case shall a member launder any clothing items, including uniform items at their home, a commercial laundromat or cleaners, or at the police facility, which have been exposed to blood or other potentially infectious materials.
- (3) All contaminated laundry shall be cleaned and decontaminated by the Department at Department expense, at a Department approved cleaners. The approved cleaners shall be designated by annual contract in accordance with City bid and purchasing procedures.

30-2-67 TRAINING.

(A) All members of the Police Department performing duties likely to involve occupational exposure to blood or other potentially infectious materials shall receive training within **ninety (90) days** of the issuance of this procedure.

(B) The training shall be provided by the Department and shall consist of the following:

- (1) A copy of the OSHA standards on bloodborne pathogens shall be provided to each member before or during the training.
- (2) A general explanation of the epidemiology and symptoms of bloodborne diseases.
- (3) An explanation of the modes of transmission of bloodborne pathogens.

- (4) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
- (5) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices and personal protective equipment.
- (6) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.
- (7) An explanation of the basis for selection of personal protective equipment.
- (8) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge.
- (9) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
- (10) Information on the post-exposure evaluation and follow-up that the Department/City is required to provide for the employee following an exposure incident.
- (11) An explanation of the biohazard signs or color-coding methods used to mark blood or other potentially infectious materials.
- (12) An opportunity for interactive questions and answers with the person conducting the training session.

(C) Training shall be conducted by a person knowledgeable in the subject matter covered as it related to the duties of those members who could be occupationally exposed to blood or other potentially infectious materials.

(D) Newly hired Department members shall receive mandatory training on the OSHA bloodborne pathogen standards and this Division during their initial orientation.

(E) Additional training shall be provided to Department members when changes such as modification of tasks or procedures or the institution of new tasks or procedures affects the member's occupational exposure. The training may be limited solely to addressing the new exposures created.

30-2-68 RECORDKEEPING.

(A) The Deputy Chief of Support Services shall establish and maintain an accurate record for each member with occupational exposure to including the following:

- (1) The name and social security number of each member.
- (2) A copy of all hepatitis B vaccination records of members, including the dates of vaccinations and any medical records relative to the member's ability to receive hepatitis B vaccinations.

- (3) Healthcare professional written opinions on whether a member has received hepatitis B vaccinations or any medical records relative to a member's ability to receive vaccinations.
- (4) Declination forms from members who do not wish to be vaccinated.
- (5) A copy of the information provided to the healthcare professional as specified in **Section 30-2-70(G)** of this Division.
- (6) A copy of post-exposure information supplied to the Department of the healthcare professional as specified in **Section 30-2-70(J)** of this Division.

(B) All medical records as specified in this Division shall be kept confidential, and are not disclosed or reported without the member's express written consent to any person within or outside of the Department except as required by this Division or as may be required by law.

(C) **Training Records.**

- (1) The following information shall be maintained by the Training Division on the required training outlined in this procedure:
 - (a) The dates of the training sessions.
 - (b) Contents or a summary of the sessions.
 - (c) The names and job titles of all persons attending the sessions.
 - (d) The names and qualifications of the person(s) conducting the training.
- (2) The aforementioned records shall be maintained at least **three (3) years** after the training was attended/provided.

30-2-69 VACCINATIONS.

(A) Hepatitis B vaccinations shall be made available to all Department members, free of charge, after the member receives the initial training as specified in **Section 30-2-67** of this Division.

(B) The nearest hospital shall be the Department's approved vendor for vaccinating Department members, unless otherwise provided.

(C) Members may receive the vaccinations, or decline them.

(D) Any member who declines to be vaccinated shall do so in writing in the manner prescribed by OSHA. (See Appendix B of this Division.)

(E) If a member initially declines the hepatitis B vaccination but at a later date decides to accept the vaccination, the Department shall make available hepatitis B vaccination at that time.

(F) If a booster dose of hepatitis B vaccine is recommended at a later date, the Department shall make the vaccination opportunity available to all members requiring booster doses.

30-2-70 POST-EXPOSURE EVALUATION AND FOLLOW-UP.

(A) If a member of the Department has an exposure incident, the Department shall make immediately available to the member a confidential medical evaluation and follow-up to include at least the following elements:

- (1) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
- (2) Identification and documentation of the source individual, unless the Department can establish that identification is infeasible or prohibited by State or local law.

(B) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the Department shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(C) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(D) Results of the source individual's testing shall be made available to the exposed Department member, and the member shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(E) Collection of blood from Department members who may have been exposed to HBV or HIV shall be in accordance with all state and federal regulations pertaining to same.

(F) Post-exposure prophylaxis, counseling and an evaluation of reported illnesses may also be recommended by the treating healthcare professional for any Department member.

(G) The Department shall ensure that the treating healthcare professional is given a copy of the OSHA standard on bloodborne pathogens, (Appendix A) of this Division, in all cases where the healthcare professional is evaluating a member after an exposure incident. In addition, the healthcare professional shall receive the following:

- (1) A description of the exposed member's duties as they relate to the exposure incident.
- (2) Documentation of the route(s) of exposure and circumstances under which exposure occurred.
- (3) Results of the source individual's blood testing, if available.
- (4) All medical records relevant to the appropriate treatment of the member, including vaccination status, which the Department is responsible for maintaining.

(H) The Department shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within **fifteen (15) days** of the completion of the evaluation.

(I) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for a member, and if the member has received such vaccination. This Section only applies in those cases where a

member, by himself/herself was vaccinated for hepatitis B prior to the implementation of this procedure, or in the event any member at any time elects to be vaccinated other than as provided by the Department.

(J) In the case of a post-exposure incident, the following information shall be provided by the healthcare professional to the Department:

- (1) That the employee has been informed of the results of the evaluation; and
- (2) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(K) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(L) Members who have an exposure incident shall immediately notify their supervisor. The member shall immediately seek treatment at a Department approved healthcare facility.

(M) Any member involved in an exposure incident shall fully document, in memorandum form, an incident evaluation that explains the routes of exposure, circumstances surrounding the exposure and the description of the protective gear used. The memorandum shall be forwarded to the member's immediate supervisor, who shall review it and forward the memorandum to the Deputy Chief of Support Services for final evaluation and review.

Appendix A - OSHA Bloodborne Pathogen Standards

Appendix B - Hepatitis B Vaccine Declination

ARTICLE III

EMERGENCY SERVICES AND DISASTER AGENCY
(ESDA)

30-3-1 POLICY AND PROCEDURES.

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

- (1) To create a municipal emergency services and disaster agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

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

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

30-3-2 **LIMITATIONS.** Nothing in this Code shall be construed to:

- (A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
- (C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (D) Limit, modify, or abridge the authority of the Mayor and the 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.

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

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

temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

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

30-3-4 EMERGENCY SERVICES AND DISASTER AGENCY.

(A) There is hereby created an emergency services and disaster agency and a Coordinator of the emergency services and disaster agency, herein called the "Coordinator", who shall be the head thereof. The Coordinator shall be appointed by the Mayor with the advice and consent of the City Council. He shall serve at the pleasure of the Mayor.

(B) The Emergency Services and Disaster Agency shall obtain, with 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 Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this Municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this Municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the Coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Services and Disaster 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 services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Services and Disaster Agency shall:

- (1) Determine the requirements of the Municipality for food, clothing and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;

- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-3-5 EMERGENCY SERVICES AND DISASTER POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this Code.

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

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

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this Municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

- (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.
- (3) In accordance with such plan and program for the emergency management of this Municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster 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 services and disaster agency as its office.

30-3-6 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, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the 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 to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 LOCAL DISASTER EMERGENCIES.

(A) A local disaster emergency may be declared only by the Mayor or 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 shall act subject to the directions and restrictions imposed by that body.

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

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

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

30-3-10 COMMUNICATIONS. The local Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-3-11 IMMUNITY. Neither the Municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in **Section 30-3-3** occurs in this Municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this Municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this Municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this Municipality pursuant to the order of the head of that political subdivision and upon the request of the Municipality, or if otherwise requested so to do by the Mayor or the Coordinator of this Municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this Municipality without being licensed or registered in this Municipality.

30-3-13 APPROPRIATIONS AND LEVY OF TAX. The City Council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for emergency services and disaster operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the Municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-3-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the Municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the Municipality, acting through the Mayor or through its 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.

30-3-15 **ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-3-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

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

30-3-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency services and disaster 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 services and disaster agency.

30-3-17 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-3-18 **NO PRIVATE LIABILITY.**

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

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

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

30-3-19 **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the Coordinator of the Emergency Services and Disaster Agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 **COMPENSATION.** The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the Coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the Coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this Municipality, which oath shall be filed with the coordinator of the Emergency Services and Disaster 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."

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

30-3-23 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Seven Hundred Fifty Dollars (\$750.00)**.

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

[NOTE: The Cafeteria Court provisions in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]