

## 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 County Courthouse.

## ARTICLE II - POLICE DEPARTMENT

### DIVISION I - ADMINISTRATION

**30-2-1**        **DEPARTMENT ESTABLISHED.** There is hereby created a Police Department for the City, which shall consist of a Chief of Police, up to **four (4)** sergeants, **eleven (11)** patrolmen and **six (6)** part-time patrolmen. The positions of Deputy Chief or Lieutenant may be filled upon the submission by the Chief of Police and approval of the Mayor with consent of the City Council. All members of the Department shall be employees of the City. **(Ord. No. 16-15; 08-09-16)**

**30-2-2**        **CHIEF OF POLICE APPOINTED, DEPUTY CHIEF OF POLICE APPOINTED.** The Mayor shall name the Chief of Police with consent of the Council, and such Chief of Police is hereby designated as an employee of the City. The Mayor shall name the Deputy Chief of Police with consent of the Council and such Deputy Chief of Police is hereby designated as an employee of the City. **(Ord. No. 06-23; 08-08-06)**

**30-2-3**        **EMPLOYEES.**

(A)        **Full-Time Employees.** Sergeants and patrolmen shall be selected in accordance with the provisions of the Fire and Police Commission of the City.

(B)        **Part-Time Employees.** Part-time patrolmen shall be appointed by the Chief of Police and shall serve at the discretion of the Chief of Police and shall be terminated at the will of the Chief of Police. Any such appointee shall have already completed any and all necessary police training or shall obtain a waiver of such police training within **eighteen (18) months** of such appointment. A part-time patrolman shall also meet the following minimum qualifications:

- (1)        Be a citizen of the United States.
- (2)        Be **twenty-one (21) years** of age.
- (3)        Be a high school graduate or its equivalent.
- (4)        Possess an Illinois driver's license.
- (5)        Shall not have been convicted of a felony or any misdemeanor involving moral turpitude.

(C)        Part-time patrolmen shall be limited to no more than **one thousand five hundred sixty (1,560) work hours** in any calendar year. **(Ord. No. 11-16; 11-08-11)**

**30-2-4**        **BOND.** Each member of the Police Department, upon assuming his employment, shall take oath and execute bond of **One Thousand Dollars (\$1,000.00)**, with surety, to be approved by the Mayor, for the faithful performance of his duties.

**30-2-5**        **SPECIAL POLICEMEN.** The Mayor may, when advisable, employ suitable persons as special policemen for the City, who shall take the oath required of other police employees. Such special police shall possess the power and authority as other employees of the regular Police Department, and shall be employed until their employment is revoked by the Mayor.

**30-2-6**        **CHIEF OF POLICE – JURISDICTION.** The Chief of Police shall have direct supervision of all policemen, patrolmen and watchmen, except as provided in this Article, and they shall be subject to his direction and control.

**30-2-7**        **CHIEF OF POLICE – CUSTODIAL FUNCTIONS.** The Chief of Police shall be the custodian of all property provided by the City for the use of the Police Department. He shall also be the custodian of all stolen goods and all other property received and retained under police authority.

**30-2-8**        **CHIEF OF POLICE – MONTHLY AND ANNUAL REPORTS.** The Chief of Police shall make to the City Council monthly and annually, a report in writing of the doings of his Department since the last report. Such report shall set forth the number of arrests, by whom made, and on what charge; the number of prosecutions for the recovery of fines, before what magistrate brought, and how disposed of; the amount of fines and costs assessed, and the amount collected, together with a statement of all property received by him during the period covered by such report, by virtue of his employment.

**30-2-9**        **DUTIES OF POLICE – GENERALLY.** The several members of the police force, when on duty, shall devote their entire time and attention to their duties according to the provisions of the Code of the City, and the rules and regulations of the Police Department. They shall, to the best of their ability, preserve order, quiet and peace throughout the City, and enforce all the ordinances of the City.

**30-2-10**       **SAME; COMPLAINTS AGAINST VIOLATORS; PREPARATIONS FOR PROSECUTIONS.** When it shall come to the knowledge of any policeman that any City ordinance has been violated, such policeman shall forthwith cause a complaint to be made before a magistrate and procure the proper witnesses and evidence for the successful prosecution of the offender.

**30-2-11**       **SAME; COOPERATION WITHIN DEPARTMENT.** All policemen shall render prompt and efficient aid to each other in the discharge of their duties.

**30-2-12**       **POWERS OF POLICE – ARREST AND DETENTION.** The Chief of Police and each policeman of the City shall have the power to arrest or cause to be arrested, with or without process, all persons who shall be found in the act of committing a breach of the peace, or shall be found violating any provision of this Code, or other ordinance of the City, or any criminal law of the State, and may commit such persons so arrested for examination, and if necessary, detain them in custody overnight or Sunday in the City prison or other safe place, until they can be brought before the proper magistrate.

**30-2-13**       **SAME; SERVICE OF WARRANTS.** All warrants for the violation of this Code and other ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of the City by any policeman thereof.

**30-2-14**       **SAME; TO TURN OVER FEES TO CITY TREASURY.** All fees collected by any policeman shall be turned over to the City Treasury immediately upon collection.

**30-2-15**     **SAME; SEARCH WARRANTS.** Whenever the Chief of Police or any policeman is satisfied that there is reasonable cause for searching any house, building, apartment, room, or place, for property that has been stolen, embezzled, or fraudulently obtained, or for counterfeit or spurious money, or tools, machinery or materials for making the same, or for gaming apparatus or implements, used or kept and provided to be used in unlawful gaming, it shall be the duty of the Chief of Police or policeman to swear out a search warrant for the search of such premises, as provided by State law.

**30-2-16**     **RECORD OF ARRESTS, ETC.** The Chief of Police shall provide a suitable police record to be kept at the police headquarters, in which each policeman making an arrest shall enter the name of the person arrested, where arrested, and on what charge, what property, if any, was taken or found on such person, and how disposed of, and also record his own name as the policeman making the arrest.

**30-2-17**     **ABSENCE OF MEMBERS OF DEPARTMENT – PERMISSION REQUIRED.** No member of the Police Department shall absent himself from the City without permission from the Mayor.

**30-2-18**     **DESIGNATION OF ACTING CHIEF OF POLICE, DESIGNATION OF ACTING ASSISTANT CHIEF OF POLICE.** In case of absence of the Chief of Police, the Mayor shall designate some other member of the police force to assume the duties of the Chief of Police, who shall be termed acting Chief of Police and shall possess all the power and authority of the Chief of Police. In case of the absence of the Assistant Chief of Police, the Mayor shall designate some other member of the police force to assume the duties of the Assistant Chief of Police, who shall be termed acting Assistant Chief of Police and shall possess all the power and authority of the Assistant Chief of Police. **(Ord. No. 97-3; 05-13-97)**

**30-2-19**     **REFUSAL TO AID POLICE.** Any policeman of the City shall have the power to call upon any male person over the age of **twenty-one (21) years** to aid him in the arrest or in retaking into custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act, and no such person shall neglect or refuse to give such aid or assistance when so requested by any such policeman.

**(Ord. No. 69-6; 03-14-69; unless otherwise noted)**

## **DIVISION II - AUXILIARY POLICE**

**30-2-20 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.

**30-2-21 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 of this City.

**30-2-22 POWERS AND DUTIES.** Auxiliary police officers do not possess conservator of the peace powers as defined in **65 ILCS 5/3.1-15-25** of the Illinois Municipal Code. Auxiliary police officers shall serve at the direction and control of the Chief of Police and shall have the following powers and duties, when properly assigned and on duty:

- (A) To aid or direct traffic and crowd control in the Municipality.
- (B) To aid in the control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) To act at the direction and control of the Chief of Police in any other activity, other than those activities traditionally reserved to those who are vested with conservator of the peace powers.

**(Ord. No. 07-10; 06-12-07)**

**30-2-23 FIREARMS PROHIBITED.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police of the City and then only when in uniform and in the performance of their duties.

**30-2-24 TRAINING.** Prior to entering upon any of their duties, auxiliary policemen shall receive a course of training in the use of weapons and other police procedures by the Chief of Police of the City or through a course of training designated by him. Such course of training shall be not less than **forty (40) hours** in duration. Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the auxiliary policemen's completion of the course with the City Clerk.

**30-2-25 COMPENSATION.** Auxiliary policemen may receive compensation as provided by the City Council.

**30-2-26 FEES.**

(A) All requests for auxiliary police assistance shall be made to the Chief of Police. If the request is approved by the Chief of Police, the person making the request for auxiliary police assistance shall pay to the City for the time assistance is provided at the current hourly rate provided by the City Council for each auxiliary police officer providing assistance.

(B) Payment of compensation for auxiliary police assistance does not apply to exclusively City sponsored events or to the Murphysboro Apple Festival during normal scheduled hours.

(C) "Person" shall include an individual, partnership, corporation, not-for-profit corporation, limited liability company, firm, organization, association or other legal entity.

**(Ord. No. 15-19; 08-11-15)**

**30-2-27 - 30-2-30 RESERVED.**

## ARTICLE III

### EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

**30-3-1 ESTABLISHMENT.** There is hereby created the City Emergency Services and Disaster Agency to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "**The Illinois Emergency Services and Disaster Act of 1988**", and any amendments thereto. This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

**30-3-2 COORDINATOR.** The Coordinator of the City ESDA shall be appointed by the Mayor with the advice and consent of the City Council and shall serve until removed by same. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the Mayor, as provided by statute. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code.

**30-3-3 FUNCTIONS.** The ESDA shall perform such ESDA functions within the City as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the "**State ESDA Act of 1988**", and any amendments thereto.

**30-3-4 SERVICE AS MOBILE SUPPORT TEAM.** All or any members of the ESDA organization may be designated as members of a Mobile Support Team created by the Director of the State ESDA, as provided by law. The leader of such Mobile Support Team shall be designated by the Coordinator of the ESDA organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City, while so serving, shall receive from the State, reasonable compensation as provided by law.



**30-3-5 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.**

The Coordinator of ESDA may negotiate Mutual Aid Agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor.

**30-3-6 EMERGENCY ACTION.**

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

**30-3-7 COMPENSATION.**

Members of the ESDA who are paid City employees or officers, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training such compensation as may be established by the Mayor.

**30-3-8 REIMBURSEMENT BY STATE.**

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

**30-3-9 PURCHASES AND EXPENDITURES.**

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

In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized on behalf of the City to procure such services, supplies, equipment or materials as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by "**The State ESDA Act of 1988**", and amendments thereto, provided that if the Mayor meets at such time, he shall act subject to the directions and restrictions imposed by that body.

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

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States of America, and the Constitution of the State of Illinois and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; 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 as I am affiliated with the ESDA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

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

**30-3-12 APPROPRIATION; LEVY OF TAXES.** The Mayor may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed **Five Cents (\$0.05)** per **One Hundred Dollars (\$100.00)** of the assessed value of all taxable property in addition to all other taxes, as provided by "**The State ESDA Act of 1988**", and amendments thereto; however, that amount collectible under such levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita.

## ARTICLE IV – FIRE DEPARTMENT

### DIVISION I – ADMINISTRATION

**30-4-1**     **DEPARTMENT ESTABLISHED.** There is hereby created a Fire Department for the City, which shall consist of a Chief, **three (3)** captains and **six (6)** firemen. The Fire Chief and all members of the Department shall be employees of the City. **(Ord. No. 91-14; 09-23-91)**

**30-4-2**     **FIRE CHIEF.** The Chief of the Fire Department shall be named by the Mayor with the approval of the Council. All other employees shall be selected in accordance with the provisions of the Fire and Police Commission of the City.

**30-4-3**     **SUPERVISION BY FIRE COMMITTEE; FIRE CHIEF TO BE IN ACTIVE CHARGE.** The Fire Department shall be under the supervision of the Fire Committee. The Fire Department shall be in active charge of a Fire Chief.

**30-4-4**     **FIRE CHIEF TO HAVE CUSTODY OF ENGINES, BUILDINGS, ETC.** The Fire Chief shall have the custody, subject to the direction of the Fire Committee, of the engines, hose carts, auto trucks, ladders, alarm boxes, fire department buildings and all property and equipment belonging to the Fire Department.

**30-4-5**     **FIRE CHIEF TO ATTEND FIRES.** It shall be the duty of the Fire Chief, if in his power, to attend all fires in the City.

**30-4-6**     **FIRE CHIEF TO INVESTIGATE CAUSES OF FIRES; RECORD.** The Fire Chief shall investigate the causes of all fires which shall occur in the City as soon as possible after they occur and shall keep a record of his investigation and the circumstances of each case.

**30-4-7**     **INSPECTION OF BUILDINGS, PREMISES AND STREETS; ORDER FOR CORRECTION OF CERTAIN DANGEROUS CONDITIONS.** It shall be the duty of the Fire Chief to inspect or cause to be inspected by the Fire Department Officers or members as often as may be necessary, but not less than twice a year in outlying districts and **four (4) times** a year in closely-built portions of the City, all buildings, premises and public streets for the purpose of ascertaining and causing to be corrected any conditions liable to cause

fire, or any violations of the provisions or intent of any ordinance of the City affecting the fire hazard. In private dwellings, such inspections shall be restricted to basements and cellars.

Whenever any officer or member of the Fire Department shall find in any building or upon any premises or any other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of wastepaper, boxes, shavings or any other highly inflammable materials, especially liable to fire, and which is so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors and windows, liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within **twenty-four (24) hours** to the Mayor, who shall, within **ten (10) days**, review such order and file his decision thereon, and unless the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant.

Any owner or occupant failing to comply with such order within **ten (10) days** after such appeal shall have been determined, or if no appeal is taken, then within **ten (10) days** after the service of such order, shall be liable to a penalty.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the person a true copy of such order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

**30-4-8**      **RIGHT OF ENTRY.** The Fire Chief and other members of the Fire Department shall have the right to enter upon premises in order to investigate the origin of fires as required in **Section 30-4-6** of this Chapter, and to make the investigation referred to in **Section 30-4-7** of this Chapter.

**30-4-9**      **DEPARTURE OF FIRE CHIEF FROM CITY.** The Fire Chief shall not leave the City without the consent of the Mayor.

**30-4-10**     **AGREEMENTS.**   The Mayor and City Clerk are hereby authorized to make and enter into agreements with corporations or organizations outside of the City limits, under the terms of which compensation in the amounts fixed by **Section 30-4-11** of this Chapter, shall be paid for services rendered by the Fire Department. Such agreements shall be subject to the terms of this Article, and shall contain a clause that the City shall in no way and under no circumstances be held liable for any loss or damage by reason of its failure to extinguish fires within the territory described in any such agreement. All such agreements shall contain a clause permitting the termination of the agreement upon **six (6) months** notice. All such agreements so entered into shall be submitted to the City Council at its next meeting for approval.

**30-4-11**     **MINIMUM RATE.**   The minimum rate for making fire calls requiring attendance of the City fire truck and equipment outside the City limits shall be **Five Hundred Dollars (\$500.00)** per call.

**30-4-12**     **RESPONSIBILITY FOR DAMAGE TO FIRE-FIGHTING EQUIPMENT.**  
All damage caused to fire-fighting equipment while in attendance at fires outside the City shall be borne by the property owner being assisted.

**30-4-13**     **ENFORCEMENT AUTHORITY.**  
(A)           It shall be the duty of all officers of the Fire Department to see that the provisions of this Chapter and all other provisions of the Revised Code of Ordinances of the City and all other Ordinances of the City pertaining to fire safety, fire hazards and open burning are enforced.  
(B)           All officers of the Fire Department are authorized to issue warnings, citations and tickets to and make arrests of any person found violating any of the provisions of this Chapter, other provisions of the Revised Code of Ordinances of the City and other Ordinances of the City pertaining to fire safety, fire hazards and open burning, and to issue warnings, citations and tickets to and make arrests of any person who shall hinder, resist and refuse to obey any officer in the discharge of his or her duty, and to that end all officers of the Fire Department are hereby vested with the usual power and authority of police officers.  
**(Ord. No. 14-7; 06-10-14)**

**30-4-14**     **FEES FOR EMERGENCY SERVICES – OUT OF DISTRICT.**   The City shall charge for out of District Emergency service to non-residents pursuant to the following rates:  
(A)           \$125.00 per hour per vehicle and  
(B)           \$35.00 per hour per firefighter.  
**(Ord. No. 02-05; 07-09-02)**

**30-4-15**     **MABAS AGREEMENT.**   The Mayor and the City Council and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part thereof. **(See Appendix "A") (Ord. No. 02-08; 09-17-02)**

## **DIVISION II – FIRE TRAINING**

**30-4-16**      **TRAINING ACT PARTICIPATION.** The City does hereby elect to participate in the programs provided for in the Illinois Fire Protection Training Act.

**30-4-17**      **CERTIFICATION AS FIREFIGHTER.** Before an individual successfully completes probation as a firefighter, he must have been certified by the Illinois State Fire Marshal as a Firefighter II, as having successfully completed an approved training course as provided in said Act.

**30-4-18**      **COMPLETION OF TRAINING.** The Firefighter II certification must be completed by the trainee within his or her probation period. Failure to any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his or her probationary period ends. The individual may later become certified without reimbursement.

**30-4-19**      **DIRECTIVE TO COMMISSIONERS.** The Board of Fire and Police Commissioners is hereby instructed and directed to make the necessary amendments to the Personnel Rules, the Manual of Rules of the Fire Department, and Rules of said Board of Fire and Police Commissioners in order to require that any person appointed to the Fire Department of the City shall not become a regular member of the Fire Department unless and until he or she shall have completed, pursuant to said Illinois Fire Protection Training Act, the approved training course within **twelve (12) months** of the date of his or her initial employment.

**30-4-20**      **CERTIFICATION AS FIREFIGHTER III.** Each employee presently employed as a full-time firefighter by the City must be certified by the Illinois State Fire Marshal as a Firefighter III as having successfully completed an approved training course as provided by the Fire Protection Training Act by **June 30, 1999**. Any firefighter hired after passage of this Article must be certified by the Illinois State Fire Marshal as a Firefighter III as having successfully completed an approved training course as provided by the Fire Protection Training Act within **two (2) years** of completion of the academy. **(Ord. No. 98-12; 08-11-98)**

**(Unless Otherwise Noted; Ord. No. 91-9; 05-14-91)**

## **DIVISION III – FIRE TAX BOARD**

**30-4-21**      **DISBURSEMENT OF FIRE FUNDS TO BOARD.** In accordance with Illinois Municipal Code, Paragraphs 11-10-1 and 11-10-2, all monies received each year that are collected and received by the City under the provisions of this Statute shall immediately be forwarded by the City upon receipt to the duly elected Treasurer of the Fire Department for disbursement in accordance with the rules and regulations adopted by the officers of the Fire Department for the maintenance, use and benefit of the Fire Department. The official name of this Fund shall be the Murphysboro Fire Fighters' Insurance Fund. **(Ord. No. 03-08-94)**

**30-4-22**      **FUND OFFICERS.** The Officers of the Fund, collectively referred to as "**Board**", shall be a Chairman, Secretary, Treasurer and Vice Chairman and shall all be elected by members of the Fire Department, which consist of the Chief of the Department and all full time and paid per call fireman,

to serve a term of **two (2) years**. An election shall be held each **two (2) years** on **May 1** by all such members of the Fire Department to elect the Officers of the Fund. The Chief of the Fire Department shall be an ex-officio member of this Board and shall have a vote and a voice in the proceedings of the Board administering the Fund. **(Ord. No. 94-5; 03-08-94)**

**30-4-23**      **TREASURER'S BOND AND AUDIT.** The Officers of the Fund shall be required to ensure that the Treasurer of the Fund has sufficient bonding to cover the assets of the Fund, the Mayor shall approve the bond. The Fund shall be audited annually. **(Ord. No. 94-5; 03-08-94)**

**30-4-24**      **RULES AND REGULATIONS.** The Board shall be empowered to adopt needful rules and regulations for the Department for the efficient and effective management of the Fund. **(Ord. No. 94-5; 03-08-94)**

#### **DIVISION IV – HAZARDOUS MATERIALS**

**30-4-25**      **DEFINITIONS.** "Hazardous material" as used in this Division means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce.

"Person" shall include an individual, sole proprietor, partnership, corporation, firm, organization, association or other legal entity.

**30-4-26**      **HAZARDOUS MATERIALS.**

(A)      **Authority to Control and Eliminate.** The Fire Department is hereby authorized to control and eliminate hazardous materials and hazardous material emergencies. The Fire Department shall have the authority to summarily remove, abate and remedy all hazardous material emergencies or incidents within or without the corporate limits of the City which are dangerous or prejudicial to public health, safety or property. Expenses incurred by the Fire Department shall be the joint and severable liability of the owner or owners of the hazardous material, the owner of the means of transport, and all other persons having responsibility for or contributing to the hazardous material emergency or incident whether resident or nonresident (hereafter "responsible parties").

(B)      **Hazardous Materials Specialist Sought; Expenses.** The Fire Department as determined by its Chief or his designee is hereby authorized to seek and obtain the services of an independent hazardous material specialist or to seek and obtain the service of a hazardous material specialist associated with the company or companies responsible for the hazardous material emergency or incident. The expenses of removal, abatement or remedy of a hazardous material emergency or incident shall include but shall not be limited to charges for all materials used; a charge for all firefighting services including equipment and manpower; charges for experts, specialists or other consultants; and all other charges associated or related to the hazardous material emergency or incident.

(C)      **Fire Chief Ascertain Expenses; Notify Responsible Party.** The Fire Chief of the Fire Department shall ascertain the expenses incurred in removing, abating or remedying the hazardous material emergency or incident and shall notify the responsible parties informing said parties that all expenses and charges are due and payable immediately from the date of notice of the charges. Any person who shall fail or refuse to pay the expenses of removal, abatement or remedy shall be responsible for all attorney fees, collection costs and other expenses incurred by the City in effecting collection of the amounts owing. Monies collected hereunder as expenses for removal, abatement or remedy of any hazardous material emergency or incident shall be used by the City to purchase materials, training and programs for controlling and containing hazardous material emergencies and incidents.

**(Ord. No. 15-7; 04-14-15)**

## **ARTICLE V – FALSE ALARM REGULATIONS**

**30-5-1**      **DEFINITIONS.** As used in this Article, the following definitions shall apply:

(A)      **Alarm System.** A device or assembly of equipment or devices designed or arranged to signal the presence or existence of hazard requiring urgent attention of police or fire department personnel. These systems include:

- (1) intrusion alarms, robbery alarms and any other alarm which requires an emergency response by the police or fire department;
- (2) those systems terminating at a dedicated piece of equipment within a public safety agency;
- (3) automatic devices which transmit voice reproductions or messages over telephone lines; and
- (4) systems which notify certain alarm stations who in turn notify a public safety agency.

(B)      **False Alarm.** The activation of an alarm system resulting in a signal or call being received by the Police or Fire Department when there is no threat to life, safety, or property requiring their urgent attention in, on, or at the property in regard to which the signal or call was sent, a false alarm includes activation of an alarm system caused by human error; a mechanical or system malfunction which results from neglect or failure to maintain; or an intentional activation when no threat is present.

(C)      **Person.** A natural person or a firm, organization, association, partnership or corporation.

(D)      **Alarm User.** Any person who owns, possesses, controls, or otherwise exercises dominion over a premises or property, or who regularly supervises the operation of any business thereon, on or in regard to which premises or property an alarm system is maintained, except for alarm systems within or on vehicles. If an alarm system in or on a vehicle is connected, either by wire, signal or other means with an alarm system in or on other property, the person using such vehicle alarm system is an alarm user. A person owns or controls property if he is the grantee under a deed, purchaser under a contract or a tenant.

**30-5-2**      **RESPONSIBILITY FOR FALSE ALARM.** The alarm user shall be responsible for all false alarms sent because of the activation of an alarm system in, or in regard to his property, or because of the action or statement of any of his employees or agents if such action or statement is likely to result in the sending of an alarm, except when the agent or employee making the statement, taking the action or sending the alarm does so with the specific intention of sending a false alarm or causing one to be sent, or does so without caring whether the alarm is false.



**30-5-3**     **FEE ASSESSED FOR FALSE ALARMS.** The **third (3<sup>rd</sup>)** false alarm occurring within the calendar year and every false alarm thereafter from or in regard to the same premises or property shall result in the alarm user being assessed a service fee. The service fee for a false fire alarm shall be **Three Hundred Fifty Dollars (\$350.00)**. The service fee for a false police alarm shall be **One Hundred Dollars (\$100.00)**. **(Ord. No. 10-07; 03-11-10)**

**30-5-4**     **PENALTY.** Knowingly sending or causing a false alarm to be sent, or sending a false alarm without caring whether or not it is false shall be punishable by a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**. **(Ord. No. 10-07; 03-11-10)**

**30-5-5**     **CIVIL ACTION.** If an alarm user should fail to pay any service fees assessed pursuant to **Section 30-5-3**, within **sixty (60) days** after billed, the City shall have the power to institute a civil action against the alarm user to recover all service fees due, plus attorney's fees and court costs incurred in such action. **(Ord. No. 10-07; 03-11-10)**

**(Ord. No. 98-8; 07-14-98)**