

**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. **(See 1966 Code; Sec. 1-21-1)**

**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 reclaim 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.

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

**ARTICLE II - POLICE DEPARTMENT**

**DIVISION I - POLICE**

**30-2-1**      **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the City which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of lieutenants, sergeants, and police officers as may be provided from time to time by the City Council.

**30-2-2**      **OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council for a **one (1) year** term at the first regular meeting in May.

**30-2-3**      **DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

**30-2-4**      **APPOINTMENT OF PATROLMEN.** A sufficient number of police officers shall be appointed by the Board of Police Commissioners. **(See Ch. 4 of the Revised Code)**

**30-2-5**      **RIGHT TO ENTER PREMISES.** Any Police Officer shall have power, upon reasonable ground of suspicion, to enter peaceably, or, if refused or resisted after demand made, by force, any house or other premises in which any person may be suspected to be, for unlawful purposes and may arrest without process any person who may be found therein, guilty, or reasonably supposed to be guilty of any criminal act, and detain him in custody, as in other cases, until he can be brought before the proper court.

**30-2-6**      **DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause

the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois.

**30-2-7 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.

**30-2-8 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 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.

**30-2-12**     **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.

**30-2-13**     **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.

**30-2-14**     **TRAINING.** All full-time 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. Such courses of training shall not be less than **forty (40) hours** in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of said courses. **(See 50 ILCS Sec. 705/1 et seq.) (See 50 ILCS Sec. 710/2)**

**30-2-15**     **STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City.

**30-2-16**     **POLICE MANUAL.** The rules, regulations and procedures set forth in the "Standard Operating Procedures Manual of the Carlinville Police Department" are hereby adopted by reference. **(10-19-92)**

**30-2-17**     **SPECIAL EVENTS.**

(A)           **Police Protection Not Available.** it is hereby determined that, due to the limited manpower of the Police Department, it is the policy of the City not to provide police protection or security by regular police officers for special events in the City, other than for routine patrol and operation.

(B)           **Expense of Protection.** Upon request to the Chief of Police by an organization/individual sponsoring a special event, the Chief of Police may assign special police for the protection/security of the special event at the expense of the special event sponsor.

(C)           **State Highway Use.** In the event a state highway is involved in the special event, the City will provide regular police protection/security for the special event. **(11-16-92)**

**30-2-18 - 30-2-29**     **RESERVED.**

**DIVISION II - AUXILIARY POLICE**

**30-2-30 APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the City Council. 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 **twenty-one (21) years** of age. The appointees of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the City Council.

**30-2-31 NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the 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.

**30-2-32 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 full-time policemen of the City.

**30-2-33 FIREARMS PROHIBITED.** Auxiliary policemen shall only carry firearms when in uniform and in the performance of their duties.

**30-2-34**     **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 procedure by the Chief of Police 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 policeman's completion of the course with the City Clerk. **(See 50 ILCS Sec. 710/2 for option.)**

**30-2-35**     **COMPENSATION.** Auxiliary policemen shall receive compensation as provided by the City Council. **(See 65 ILCS Sec. 5/3-6-5)**

**30-2-36**     **MABAS AGREEMENT.** The Mayor 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. **(Ord. No. 1494; 05-03-04)**

**30-2-37 - 30-2-39**     **RESERVED.**

**DIVISION III – PART-TIME POLICE**

**30-2-40**     **PART-TIME POLICE.**

(A)     **Employment.** The City may employ part-time police officers from time to time as they deem necessary. The Mayor is authorized to appoint part-time police officers, subject to the advice and consent of the City Council.

(B)     **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Order of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et seq.) and the rules and requirements of the ILETSB.

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

- (1)     be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2)     be at least **twenty-one (21) years** of age.
- (3)     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 honorable discharged.

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

**(Ord. No. 1663; 05-07-12)**

**30-2-41**     **HIRING STANDARDS.**

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

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

**(Ord. No. 1614; 09-20-10)**

**ARTICLE III - FIRE DEPARTMENT**

**DIVISION I - GENERALLY**

**30-3-1**     **ESTABLISHMENT.** There is hereby created and established a Fire Department, consisting of a Fire Chief, an assistant chief and members of said Fire Department as may, from time to time, be appointed by the Mayor with the advice and consent of the City Council.

**30-3-2**     **SUPERVISION OVER DEPARTMENT - EQUIPMENT.** The Fire Chief shall have control, subject to the order and direction of the City Council, of the Fire Department and all fire apparatus belonging to the City. Whenever any fire apparatus needs repairing, the Fire Chief shall cause the same to be done without delay.

**30-3-3**     **COMMAND AT FIRES.** In case of fires, the Fire Chief and his assistant chief shall rank in the order named and the officer of the highest rank at the fire shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary of the conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

**30-3-4**     **ORGANIZATION.** The Fire Department shall consist of so many members as may be decided upon by the City Authorities. The Fire Department may have any organization approved by the City Council, and may hold meetings and engage in social activities with the approval of the Council. The secretary of the Fire Department shall keep a record of all meetings and all activities of the Fire Department and shall report to the Council as requested.

**30-3-5**     **RECORDS.** The Fire Chief shall keep or cause to be kept a record of all meetings of the company and the attendance of the members, a record of all fires, and, during the last week of each month, file with the City Clerk a full report of such records and attendance and fires, which report shall be under oath.

**30-3-6**     **DUTIES.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires.



**30-3-7**      **DUTIES OF SPECTATORS.** Every male person above the age of **eighteen (18) years** who shall be present at a fire, shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property.

**30-3-8**      **MUTUAL AID AGREEMENTS.** When authorized by the City Council, the Fire Department is authorized to enter into Mutual Aid Agreements with neighboring fire districts or municipalities owning fire apparatus; no apparatus or equipment shall aid a municipality or district unless an agreement is on record. Such aid and assistance to another municipality or district shall not jeopardize the fire protection within the City.

**30-3-9 - 30-3-20**      **RESERVED.**

**DIVISION II - OUTSIDE FIRE SERVICE**

**30-3-21** **AGREEMENT.** The Clerk is hereby authorized to make and enter into agreements for and on behalf of the City with individuals, corporations, partnerships or other business entities for the furnishing of fire protection service to the owners of property located outside the corporate limits of the City, which agreement shall provide, among other things, that the owners of said properties shall pay a fee or assessment for the furnishing of such fire protection service; said agreement shall further provide that the City shall not be held liable for any loss or damage to any property owner or owners by reason of its failure to respond or to extinguish or prevent fires to the property of any person, corporation, partnership or other business entities with whom, or with which, such an agreement is made. **(Ord. No. 1130; 03-16-87)**

**30-3-22** **FEES.** With regard to all agreements becoming effective on or after **May 1, 2015**, the Clerk is hereby directed that the annual assessment or fee to be charged for the furnishing of said fire protection shall be the following applicable annual fee or assessment:

Dwelling	\$95.00
Farm and business, other than railroad	\$190.00
Railroads	\$750.00

Said paid fee will cover service charges for each fire call.

The Fire Department shall not be required to respond to calls for its services to areas outside the Carlinville City limits which are not covered by the fire agreement, or for which the annual fee or assessment has not been paid; provided, however, the person in command of the Fire Department as defined in this Code is authorized, but not required, to direct the Fire Department to respond to such calls. The service charge for each fire call to an area outside of the Carlinville City limits not covered by the fire agreement or for which the annual fee has not been paid shall be the minimum sum of **Two Thousand Five Hundred Dollars (\$2,500.00)** for up to **two (2) hours** of service. Thereafter, the service charge shall be at the rate of **Five Hundred Dollars (\$500.00)** per **one-half (1/2) hour** or any part thereof. In addition, there shall be a charge of **Three Hundred Dollars (\$300.00)** for any additional vehicles called to the scene beyond the usual and customary complement of trucks as noted on the run board located at the firehouse. The period of time for which the Fire Department shall be paid for its services shall commence when the first fire engine leaves the fire station and shall terminate when the last fire engine returns to the station and is serviced for the next call.

Notwithstanding anything to the contrary herein, the service charge for each extrication/fire call involving a vehicle or a piece of farm machinery or equipment shall be the sum of **Seven Hundred Fifty Dollars (\$750.00)** per vehicle, machinery or equipment. The person in command of the Fire Department as defined in this Code is authorized to determine the appropriate billing based upon multiple services rendered per call. **(Ord. No. 1751; 04-06-15)**

**30-3-23     AGREEMENT; TIME LIMIT.**

(A)           No agreement made and entered into pursuant to the authority granted by this Article shall be for a longer period of time than **ten (10) years.**

(B)           Any agreement entered into pursuant to the authority granted by this Article shall provide for the assessment or fee to be paid in advance.

(C)           Any agreement entered into pursuant to the authority granted by this Article shall contain a provision permitting the protection when accepted by the City, to continue during succeeding years, provided the required fee is paid on or before the end of the preceding period of coverage.

**30-3-24     RECORD OF AGREEMENTS.** The Clerk is hereby directed to keep an appropriate record of all agreements entered into pursuant to this Article, and the assessments and fees paid pursuant to said agreements, and shall report annually at or before the first regular meeting of the Council in the month of May of each year, the amount of the assessments and fees collected and the number of agreements with property owners outstanding, together with such other information and data, as the Council may require or as the Clerk may deem pertinent. The City Clerk is hereby directed to periodically notify the public of the availability of fire protection through advertisements in local newspapers.

**30-3-25     FEE REDUCTION.** If the Clerk wishes to accept and approve applications for fire protection for a period of less than **one (1) year**, the annual fee shall be reduced proportionately for each full month for which fire protection is not sought. **(Ord. No. 1130; 03-16-87)**

**ARTICLE IV**

**EMERGENCY SERVICES AND DISASTER AGENCY  
(ESDA)**

**30-4-1      POLICY AND PROCEDURES.**

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

- (1) To create a municipal emergency 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.

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

(A)            Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B)            Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C)            Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D)            Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

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

(A)            **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

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

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

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

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

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

**30-4-4 EMERGENCY 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. The emergency services and disaster agency shall be named and called the Carlinville Emergency Management Agency. Where reference is made in the Code to the emergency services and disaster agency, Emergency Service and Disaster Agency or Carlinville Emergency Services and Disaster Agency, it shall mean the Carlinville Emergency Management Agency. The coordinator of the Carlinville Emergency Management Agency shall be named and called the Carlinville Emergency Manager. Where reference is made in the Code to the coordinator, it shall mean the Carlinville Emergency Manager. The Carlinville Emergency Manager shall be appointed by the Mayor, with the advice and consent of the Council. The Carlinville Emergency Manager shall serve at the pleasure of the Mayor. **(Ord. No. 1603; 03-01-10)**

(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 Macoupin 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 Carlinville 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 Carlinville 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 implement of this Code.

**30-4-5 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.

**30-4-6 FINANCING.**

(A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, 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.

**30-4-7 LOCAL DISASTER EMERGENCIES.**

(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act", provided that, if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

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

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

**30-4-10 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.

**30-4-11** **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.

**30-4-12** **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

**30-4-13** **APPROPRIATIONS AND LEVY OF TAX.** The City Council may make appropriations for emergency 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.

**30-4-14** **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies,

materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

**30-4-15 ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency 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.

**30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.**

In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency 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.

**30-4-17 NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impend-

ing 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 the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

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

**30-4-18 SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him 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.

**30-4-19 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.

**30-4-20 PERSONNEL OATH.** Each person, whether compensated or noncompensated, 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 of Carlinville, I will not advocate nor become a member of any political party or organization that advocate the overthrow of the government of the United States or of this State by force or violence."

**30-4-21 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**

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

**30-4-22 PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished as provided in **Section 1-1-20** of the Revised Code of Ordinances.

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

**ARTICLE V – AMBULANCE**

**30-5-1**     **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**Advanced Life Support (ALS).** A level of ambulance service as described by the Illinois EMS Act.

**Applicant.** An owner/operator of an ambulance company.

**Approving Authority.** The City Council with consideration of the recommendation of the Public Safety Committee.

**Jurisdiction.**

(A)           Legal authority to operate or function.

(B)           Boundaries of a legally constituted entity.

**Permit.** Written permission from the authority having jurisdiction for an ambulance operator to be dispatched.

**30-5-2**     **INITIAL PERMIT.**

(A)           Any operator of an ambulance company that desires to operate in the City limits shall first obtain a permit. In order to obtain a permit, the ambulance company must meet the minimum requirements outlined in this Article.

(B)           The operator must provide the City with all required information. The operator may not provide service within the City until such time as the City Council approves the application for a permit.

(C)           The approving authority for purposes of enforcement of ordinances, rules and regulations relating to ambulance services in the City shall be the City Council with the consideration of the recommendation of the Public Safety Committee.

(D)           In applying for and obtaining the permit required herein, the owner/operator of the ambulance service agrees to provide a **ninety (90) day** notice to the City prior to terminating its ambulance service within the City.

**30-5-3**     **PERMIT REQUIREMENTS.**

(A)           The following minimum requirements shall be met by the operator prior to the issuance of a permit:

(1)           The applicant shall provide the name and address of the applicant and the owner of the ambulance;

(2)           The applicant shall provide all the names under which the applicant plans to conduct business;

(3)           The applicant shall provide a description of each ambulance to include:

(a)          Make;

(b)          Model;

- (c) Year of manufacture;
- (d) Current state license number;
- (4) The applicant shall provide the locations of any facilities which the applicant intends to use as part of its business operation;
- (5) The applicant must provide copies of all licenses/certifications required by the State of Illinois to operate an ambulance service;
- (6) The applicants must have sufficient equipment to provide a minimum **two (2) ambulances** in good operating condition **twenty-four (24) hours** per day **seven (7) days** per week (not counting ambulances contracted for special events) manned to meet the minimum requirements for advance life support service as set forth under the E.M.S. Act;
- (7) The payment of a permit fee of **Five Hundred Dollars (\$500.00)** shall be refunded to the applicant if the ambulance permit is denied.
- (8) The applicant shall provide such other operational information that may be requested by the City.

**30-5-4      OPERATIONAL REQUIREMENTS.**

(A) It has been determined that the City requires **two (2) ambulances**. Each company shall provide a minimum number of ALS ambulances to meet the mandatory total of **two (2)** for the City, except when on emergency calls within the City or Macoupin County, Illinois. In the event the number of operators decreases, the remaining operators shall increase their minimum number of ALS ambulances available for response to a medical emergency to meet minimum requirements.

(B) In the event an operator uses all or part of their required resources during a special event, they shall also provide proof of coverage from another operator to demonstrate compliance with this Article.

**30-5-5      LIABILITY INSURANCE REQUIREMENT.**

(A) No permit shall be issued under this Article, nor shall such permit be valid after issuance, nor shall any ambulance be allowed to participate in the City unless there is at all times in force and effect minimum insurance coverage as required by the State of Illinois for medical carriers. The City shall be named as an additional insured.

(B) Such insurance policies shall be submitted to the approving authority for approval prior to the issuance of each permit. Satisfactory evidence that such insurance is in force and effect shall be furnished to the approving authority, in



such form as he may specify, by all operators required to provide such insurance under the provisions of this Article.

(C) Every insurance policy shall contain a provision for a continuing liability hereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the insured, and that until the policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew permit at the end of the year, or any act or omission of the named insured.

(D) Every insurance policy shall extend for the period to be covered by the permit applied for an insurer shall be obligated to give not less than **sixty (60) days** written notice to the approving authority and to the insured before any cancellation or termination of the policy earlier than its expiration date. The cancellation or other termination of any such policy shall automatically revoke and terminate the permit issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this Section shall be provided and be in effect.

**30-5-6      MAINTENANCE AND CONTENTS OF RECORDS.**

(A) Each operator that receives a permit shall maintain accurate records for all calls received requesting ambulance service through the City, or through other sources. Such records shall include the calls for service received within the City, the number of cancelled calls, the identification number of the ambulance, the names of the attendants responding, the response time from when the call is received by the operator until the arrival at the scene, the time of departure from the scene and arrival at a hospital or other destination, and whether or not emergency warning devices were used.

(B) The records that reflect response times in subsection (A) shall be available to the City on a requested basis either in hard copy or other media.

(C) The City shall have the right to inspect, at any time during normal business hours, records the operator has maintained as required herein.

**30-5-7      RATES.** The rates of ambulance service shall be determined by the operator. Such rates may be changed from time to time by the operator of the ambulance service.

**30-5-8      PENALTY FOR VIOLATION OF ARTICLE.** Any person violating or failing to comply with the provisions of this Article shall be fined an amount not less than **Two Hundred Fifty Dollars (\$250.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each day that any violation of, or failure to comply with this Article is committed or permitted to continue shall constitute a separate distinct offense.

**(Ord. No. 1734; 10-20-14)**