

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 re proclaim 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 Court House.
- (C) The Police Station.

30-1-7 EMERGENCY INTERIM EXECUTIVE SUCCESSION. For purposes of the "Emergency Interim Executive Succession Act" (**5 ILCS 275/6**) and in any civil emergency or disaster subject to this Article, if the Mayor is unavailable as defined by the "Emergency Interim Executive Succession Act" or is otherwise incapacitated the first person available from the following list in order of descent is to assume all the powers delegated to the Mayor by this Article or the powers of the Mayor pursuant to the "Emergency Interim Executive Succession Act":

- (A) The Finance Commissioner;
- (B) The Police and Fire Commissioner;
- (C) The Street Commissioner;
- (D) The Water Commissioner;
- (E) The Coordinator of the Emergency Services and Disaster Agency;
- (F) The Chief of Police.

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

ARTICLE II

EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

30-2-1 ESTABLISHMENT.

(A) There is hereby created the City emergency services and disaster agency (hereinafter referred to as ESDA) responsible for the City's emergency management program in accordance with the Illinois Emergency Management Agency Act, as amended.

(B) The City ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

30-2-2 COORDINATOR.

(A) The Coordinator shall be appointed by the Mayor in accordance with the Illinois Emergency Management Agency Act, as amended.

(B) 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.

(C) 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 Chapter.

30-2-3 FUNCTIONS. The City ESDA shall perform such emergency management functions within the City as shall be prescribed by and consistent with the Illinois Emergency Management Agency Act, as amended, the City's Emergency Operations Plan (EOP) and also within the 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 Illinois Emergency Management Agency Act, as amended.

30-2-4 SERVICE AS MOBILE SUPPORT TEAM.

(A) All or any members of the City ESDA may be designated as members of a mobile support team created by the Director of the Illinois Emergency Management Agency as provided by law.

(B) The leader of such mobile support team shall be designated by the Coordinator of the City ESDA organization.

(C) 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.

30-2-5 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 or otherwise provided by law.

30-2-6 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 a major disaster resulting from sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the Illinois Emergency Management Agency and with the Governor in the exercise of emergency powers as provided by law.

30-2-7 COMPENSATION; REIMBURSEMENT BY STATE.

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

(B) The State 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 Director of the Illinois Emergency Management Agency Act, 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 Director of the Illinois Emergency Management Agency, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

30-2-8 PURCHASES AND EXPENDITURES.

(A) The Mayor may, on recommendation of the 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.

(B) In the event of enemy caused or other disaster, the Coordinator of ESDA is authorized, on behalf of the City, to procure such services, supplies, equipment or material 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 Illinois Emergency Management Agency Act, as amended, provided that if the Mayor meets at such time he shall act subject to the directions and restrictions imposed by that body.

30-2-9 **OATH.** Every person appointed to serve in any capacity in the City ESDA shall, before entering upon his duties, subscribe to the oath as required by the Illinois Emergency Management Agency Act, as amended (**20 ILCS 3305/20**).

30-2-10 **OFFICE SPACE.** 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.

30-2-11 **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 law; however, that amount collectable under such levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita.

30-2-12 **LOCAL DISASTER DECLARATION.** The Mayor, or his or her interim executive successor, may declare that a local disaster exists within the City and the Mayor, or interim executive successor may exercise such emergency powers as authorized by law. Said declaration of disaster shall not be continued or renewed 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 shall be given prompt and general publicity and shall be filed promptly with the Municipal Clerk. The effect of a declaration of a local disaster is to activate the City's Emergency Operations Plan and to authorize the furnishing of aid and assistance thereunder.

ARTICLE III - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ESTABLISHED

30-3-1 **POLICE DEPARTMENT ESTABLISHED.** The Police Department for the City of Du Quoin is hereby established.

30-3-2 **MEMBERSHIP.**

(A) **Composition.** The Police Department shall consist of a Chief of Police, an assistant chief, a lieutenant, **two (2)** sergeants, and such other patrolmen and other employees as the City Council, from time to time, provides.

(B) **Appointments.** The Chief of Police and the Assistant Chief of Police shall be appointed by the Mayor, subject to the approval of the City Council. All other appointments or promotions within the Department, or removals from office of personnel within the Department shall be recommended by the Board of Police and Fire Commissioners to the City Council as provided in **Chapter 4** of this Code.

30-3-3 **POWERS AND DUTIES.**

(A) It shall be the duty of the members of the Police Department to see to the enforcement of all ordinances of the City, and all statutes effective in the City, and to preserve order and prevent infractions of the law and to arrest violators thereof.

(B) Every member of the Police Department is hereby declared to be a conservator of the peace, with powers to make arrests as provided by law.

(C) It shall be the duty of every police officer on duty who is present at or called to the scene of an accident of any kind which results in damage to property or injury to person or loss of life to make a written report, at the police station, of the nature of the accident, the time of the occurrence, and the names of such witnesses as he has been able to learn.

(D) The members of the Police Department shall have the power to serve civil and criminal writs, warrants and process, as is provided by statute, but no such process shall be served by any patrolman without an order from his superior.

30-3-4 **CONDUCT ON DUTY.**

(A) It shall be the duty of every member of the Police Department to be courteous at all times while on duty, and no police officer shall make use of unnecessary force or violence in the performance of his duties.

(B) Any member of the Police Department who shall neglect or refuse to perform any duty required of him by the ordinances of the City or the laws of the State, by the Chief of Police or by the Mayor, or who shall in the discharge of his official

duties be guilty of any fraud, extortion, oppression, favoritism, or willful wrong or injustice, shall be guilty of a misdemeanor.

(C) Every member of the Police Department shall wear a suitable badge which shall be furnished by the City. Whenever any member shall leave the Police Department, he shall immediately deliver his badge and all other articles in his possession belonging to the City to the Chief of Police.

30-3-5 WITNESS FEES; APPEARANCE AS WITNESSES. Every member of the Police Department shall appear as a witness whenever this is necessary in a prosecution for a violation of a City ordinance or of a state or federal law. But no such member shall receive any witness fee for such services in any action or suit to which the City is a party; all fees due for such services shall, if paid, be turned over to the City Treasurer.

30-3-6 HANDLING COMPLAINTS AGAINST POLICE OFFICERS.
(A) The City Council is hereby designated as a City Police Council Committee to act on all complaints against personnel of the Police Department. The committee, upon receiving a complaint properly presented in writing, shall schedule an appropriate hearing in the City Hall not later than **ten (10) days** after the complaint has been received by the City Clerk, at which time, all interested and affected parties may attend the hearing. The hearing by the Council shall be conducted as follows:

- (1) The complainant may present evidence relating to the specific charge in the complaint.
- (2) The police officer charged with misconduct shall be privileged to cross-examine on the proper matters testified.
- (3) At the conclusion of the complainant's case, the police officer may present such evidence as he desires, with like privilege being granted the complainant to cross-examine.
- (4) At the conclusion of the police officer's presentation of evidence, the complainant may present further details in response to any matter presented by the police officer.

(B) The Committee shall require that all complaints be prepared in triplicate and signed by the complainant. The complaint shall be specific and factual and filed with the City Clerk who shall notify the Chairman of the Council Committee and the Mayor of the complaint and furnish the officer charged with improper action a copy of the complaint. Any reputable citizen may sign a complaint.

(C) The Council Committee shall, after conducting the hearing, make recommendations to the City Council at its next regularly scheduled meeting held not sooner than **five (5) days** after the scheduled hearing.

30-3-7 POLICE TRAINING ACT.

(A) The City hereby elects to participate in the program provided for in the State Police Training Act, **50 ILCS 705/2.**

(B) Before an individual may commence regular employment as a police officer with the City, he must have been certified by the Illinois Local Governmental Law Enforcement Officers Training Board as having successfully completed an approved training course as provided in the State Police Training Act.

(C) 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 City Police Department, and Rules of the Board of Fire and Police Commissioners, requiring that any person appointed to the Police Department of the City pursuant to the provisions of **65 ILCS 5/10-2.1-26** and the Illinois Police Training Act shall not become a regular member of the City police department until and unless he or she shall have completed the approved training course within **six (6) months** of the date of his or her initial employment. Furthermore, the Board of Fire and Police Commissioners is hereby authorized by the City, pursuant to the City's Home Rule powers, that if the Board of Fire and Police Commissioners deems it in the best interest of the City to amend its rules to permit applicants over the age of **thirty-five (35) years** of age to test for positions in the City's fire and police departments, it shall have the authority to do so. **(Ord. No. 2004-012-07; 12-23-04)**

30-3-8 - 30-3-9 RESERVED.

DIVISION II – CHIEF OF POLICE

30-3-10 **OFFICE CREATED; GENERAL POWERS.** There is hereby created the office of Chief of Police, an executive office of the City.

30-3-11 **DECLARED TO BE HEAD OF DEPARTMENT.** The Chief of Police shall be the head of the Police Department and shall have charge and custody of all property thereto. He shall have supervision of all members of the department who are on duty and shall be responsible for the proper management and conduct of the department.

30-3-12 **POWER TO PRESCRIBE RULES FOR DEPARTMENT.**

(A) The Chief of Police is hereby empowered to make reasonable regulations not inconsistent with such rules as may be made from time to time by the Council to govern the members of the Police Department in the performance of their duties, and such rules and regulations shall be binding on all members of the Police Department.

(B) The Chief of Police shall prescribe the proper uniform and badge for all regular and special police officers and shall make suitable regulations under which they shall be required to wear an appropriate uniform and badge by which they may be known and designated at all times.

30-3-13 **ENFORCEMENT DUTIES, COOPERATION WITH OTHER CITY OFFICIALS.** The Chief of Police shall be ultimately charged with the enforcement of all laws and ordinances in force in the City, relating to the public peace or safety; and he shall cooperate with the other officials of the City to aid in the enforcement of all the ordinances of the City.

30-3-14 **CUSTODIAN OF LOST PROPERTY.** The Chief of Police shall be custodian of all lost, abandoned or stolen property in the City.

30-3-15 **RECORDS AND REPORTS.**

(A) The Chief of Police shall keep or cause to be kept a record of all serious traffic or other accidents, other than fires, which result in loss or damage or injury to persons or property.

(B) The Chief of Police shall keep a suitable record of arrests made by the members of the Police Department or other officers or citizens where prisoners are brought to the police station for safekeeping or detention, such record to contain the following information: number of arrests, date, name of prisoner, charge, name of

officer or citizen arresting, name of judge trying the charge, amount of fine imposed, costs, and such other information as may be necessary or essential for the guidance of the Police Department and information to the proper City authorities.

(C) The Chief of Police shall report to the City Council upon the City Council's request the state of the police force, the number of arrests made, the amount of fines imposed, and any suggestions he may deem advisable for the improvement of the police force, its discipline and government.

(D) The Chief of Police shall, at the end of the fiscal year and oftener, report in writing to the City Council the state of the police force, with a detailed statement of the transactions of the Police Department for the preceding year, which report shall set forth all prosecutions for the violation of the City ordinances, all arrests made and by whom made, the nature of the offense, and before what judge brought, and how disposed of, and a statement of all property received by him since his last report and such statistics and suggestions in regard to the requirements of the department as he may deem advisable.

(E) The Chief of Police shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance.

30-3-16 - 30-3-17 RESERVED.

DIVISION III – PART TIME OFFICERS

30-3-18 PART-TIME OFFICERS APPOINTED. Upon the recommendation of the Police Chief, the Mayor may appoint part-time police officers with the advice and consent of the City Council.

30-3-19 CARRYING FIREARMS. Part-time officers shall not carry firearms except with the permission of the Chief of Police, and then only when in uniform and in the performance of their duties.

30-3-20 - 30-3-21 RESERVED.

DIVISION IV – AUXILIARY POLICE

30-3-22 POSITION CREATED; APPOINTMENT; NUMBER OF POSITIONS AUTHORIZED. The position of Auxiliary Police Officer is hereby established. The Mayor is hereby authorized to appoint **sixty (60)** auxiliary police officers as employees, subject to the advice and consent of the City Council. **(Ord. No. 7608-3; 08-16-76)**

30-3-23 REQUIREMENTS.

(A) Auxiliary police shall be residents of the City unless such residency requirement is waived by a majority of the City Council.

(B) Prior to appointment, all proposed auxiliary police officers shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C., for any possible criminal record.

(C) No person shall be appointed as an auxiliary police officer if he has been convicted of a felony or other crime involving moral turpitude.

(D) Auxiliary police shall not be members of a regular police department of the City. **(Ord. No. 1265; 12-20-68)**

30-3-24 TERMINATION OF APPOINTMENT. The appointment of any or all auxiliary police officers may be terminated by the Mayor subject to the advice and consent of the City Council. **(Ord. No. 1265; 12-20-68)**

30-3-25 COMPENSATION. Auxiliary police shall be paid for services performed at the direction of the Chief of Police at such rates and at such times as the Council may determine by motion after being advised of the services performed by the Chief of Police.

30-3-26 COURSE OF TRAINING REQUIRED. Auxiliary police, 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 Chief of Police of the City or his designee.

30-3-27 CHIEF OF POLICE TO DIRECT AND CONTROL. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police.

30-3-28 POWERS AND DUTIES. Auxiliary police shall have the following powers and duties, when properly assigned and on duty:

- (A) To aid or direct traffic in the City.
- (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 impracticable for members of the regular Police Department to perform normal and regular police duties.
- (E) The Auxiliary Police shall not possess "conservator of the peace" powers. **(Ord. No. 2007-009-04)**

30-3-29 **CARRYING FIREARMS.** Auxiliary police shall not carry firearms except with the permission of the Chief of Police, and then only when in uniform and in the performance of their duties.

30-3-30 **IDENTIFICATION SYMBOLS.** Identification symbols worn by auxiliary police shall be different and distinct from those used by the regular Police Department, and shall be selected and chosen by the Chief of Police. **(Ord. No. 1265; 12-20-68)**

ARTICLE IV - FIRE DEPARTMENT

DIVISION I – GENERAL PROVISIONS

30-4-1 DEPARTMENT ESTABLISHED; COMPOSITION. There is hereby established an executive department of the municipal government of the City which shall be known as the Fire Department. This Department shall be under the supervision and control of the Commissioner of Public Health and Safety, by and with the advice and consent of the City Council, and shall consist of **one (1)** Chief of the Fire Department, and such employees as the City Council may, from time to time, provide. **(See Chapter 4 – Board and Commissions)**

30-4-2 RULES AND REGULATIONS GOVERNING DEPARTMENT. The Chief of the Fire Department may, with the approval of the Mayor and City Council, prescribe and establish such rules and regulations as he may deem proper for the government of the Fire Department and members thereof. He shall furnish each member of the Department, including those of the volunteer department, with a copy of such rules and regulations and it shall be his duty to see that the rules and regulations are complied with and enforced.

30-4-3 PHYSICAL AND MENTAL EXAMINATIONS OF FIREFIGHTERS. The Chief of the Fire Department and the members of the Department, before their employment as regular members of the Department, shall be required to pass a physical examination as well as a mental examination, which examination shall be such as meets the approval of the Mayor and City Council or any commission appointed by the Council or authorized by law.

30-4-4 HOURS OF SERVICE; CARE OF APPARATUS. The several members of the Fire Department shall be on duty at all such hours of the day and night as shall be prescribed by the rules and regulations of the Department except as otherwise ordered by the Chief of the Fire Department; and in addition to their general duties, they shall keep their fire apparatus and property in first-class condition for actual service and not expose them to unnecessary hazard.

30-4-5 REMOVAL OF PROPERTY SAVED FROM FIRE. No person shall be permitted to remove or take away any property in possession of the Fire Department saved from any fire until proof of ownership shall have been made to the satisfaction of the Chief of the Fire Department.

30-4-6 **DUTY OF MEMBERS TO WEAR UNIFORMS.** The prescribed uniform for members of the Fire Department, as provided by rules and regulations of the Department, shall be worn by them while in the line of their duty.

30-4-7 **SERVICE OUTSIDE OF CITY.**

(A) It is the policy of the City to cooperate with adjoining communities in preventing loss of property by fire provided the same is not inconsistent with the public safety of the property within the City limits. The Fire Chief is responsible for coordinating activities with surrounding communities and shall report in writing to the Council for its approval if such agreements as are desirable.

(B) In the absence of provisions to the contrary in agreement for mutual fire aid, the Fire Department of the City is hereby authorized to answer fire calls outside the territorial limits of the City not exceeding **five (5) miles** from the City limits. There shall be assessed a fee of **One Thousand Seven Hundred Fifty Dollars (\$1,750.00)** for all such fire calls. The above shall not apply to duly authorized agreements made by the City Council with other municipalities.

30-4-8 **TRESPASSING, DAMAGING EQUIPMENT, OBSTRUCTING DEPARTMENT.**

(A) The Chief of the Fire Department, the Chief of Police and all police officers, together with the Mayor and Council shall, during the progress of any fire, arrest any person found stealing or trespassing upon any property or willfully injuring or breaking any engine or other fire apparatus or any person resisting or obstructing any regular or volunteer member of the Fire Department or volunteer firefighter in line of duty or in the discharge of his duty, or any person otherwise conducting himself in a riotous or disorderly manner and any person committing any of the acts shall be guilty of a misdemeanor and shall be liable for all damages done to any such property.

(B) Any person who shall willfully and intentionally hinder or interfere with any firefighter going to or returning from any fire or willfully or negligently drive any motor vehicle or other vehicle across or upon any hose or shall willfully cut, deface, destroy or injure any telegraph wire, telephone pole, or any other property or fixture belonging to or connected with the Fire Department shall be guilty of a misdemeanor and shall be liable for all damages done to any such property.

30-4-9 **FIREFIGHTER TRAINING.**

(A) The City hereby elects to participate in the programs provided for in the State Fire Protection Training Act, **50 ILCS 740/1 et seq.**

(B) Before an individual may commence regular employment as a firefighter, he must have been certified by the State Fire Marshal as having successfully completed an approved training course as provided in the Act.

(C) The Firefighter II certification must be completed by the trainee within the probationary period as determined by the City Council. Failure of any trainee to complete such basic training and certification with 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 probationary period ends. The individual may later become certified without reimbursement. **(Ord. No. 94-05-1; 05-09-94)**

30-4-10 - 30-4-11 RESERVED.

DIVISION II – FIRE CHIEF

30-4-12 OFFICE OF CHIEF ESTABLISHED; SELECTION. There is hereby created the office of Chief of the Fire Department of the City, who shall be selected by the Mayor, by and with the consent of the City Council.

30-4-13 TERM; COMPENSATION. The Fire Chief shall hold his office until his successor is appointed and has qualified and he shall receive such salary or compensation as may be provided by the annual budget.

30-4-14 OATH; BOND. Before entering upon the duty of his office, the Fire Chief shall take the oath prescribed by law for all City officers and shall execute and deliver a bond payable to the City in the penal sum prescribed by the Council, with sureties to be approved by the Council, conditioned upon the faithful performance of the duties of his office.

30-4-15 POWERS AND DUTIES.

(A) The Fire Chief shall attend, whenever possible, all fires occurring within the City and take command of the Department at such fire, and take such other action as shall be necessary to insure that the members of the Fire Department faithfully perform their duties.

(B) The Fire Chief may, either upon his knowledge or upon information communicated to him by others, prefer formal charges to the Mayor against any member of the Fire Department for incompetency, neglect of duty, disobedience of orders, drunkenness, or violation of any of the standing rules and regulations of the Fire Department. He may also, pending the determination of such charges, suspend such member from duty and such suspension shall continue in force until the charges shall be investigated by the Mayor. While so suspended, the member shall not be entitled to any salary; however, the Council may in an appropriate case authorize payment for the period of suspension.

(C) The Fire Chief shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect adjacent property.

(D) The Fire Chief shall have power, when he deems it necessary, to check the progress of any fire, to cut down and remove any fence, building or other structure of any kind, and he shall also have the power, when the necessity of the situation exists, to blow up or cause to be blown up with powder or otherwise any building or structure.

(E) It shall be the duty of the Fire Chief to cause all ordinances of the City for the prevention of fires and all ordinances and rules and regulations with reference to the Fire Department to be strictly complied with and enforced.

(F) It shall be the duty of the Fire Chief to examine, while in the course of construction, all churches, schoolhouses, halls, theaters, recreational centers, or other public buildings and whenever he is of the opinion that such buildings are being unsafely constructed, he shall give a written report of the same at once to the Mayor. At least twice each year, or more often if necessary, he shall make an appropriate inspection of all churches, schoolhouses, halls, theaters, recreational centers, and other public buildings within the City and make a written report to the Mayor of his findings, with particular emphasis upon any building which is dangerous to the public safety.

30-4-16 RECORDS. The Fire Chief shall keep an accurate list of all fires occurring in the City, the date and location of each fire, name of the owner of the property destroyed, the cause of the fire, if known, the loss incurred thereby, the amount of insurance, and such other information as he may deem advisable to the City.

30-4-17 EQUIPMENT.

(A) The Fire Chief shall have the custody of the fire trucks, ladders, hose house and all buildings belonging or pertaining to the Fire Department and all other property and equipment belonging or pertaining to the Fire Department subject to the supervision of the Mayor and by and with the advice and consent of the City Council.

(B) The Fire Chief shall at least once every month examine into the condition of the fire engines, hooks and ladders, if any, wagons, fire trucks, and all other fire apparatus and engine houses.

(C) The Fire Chief shall keep himself fully informed on the condition and efficiency of all property or apparatus belonging to the Department. Whenever any of the property or apparatus shall require alteration or repairs, he shall cause the same to be done under his supervision and direction, subject to the supervision of the Mayor by and with the advice of the City Council.

30-4-18 UNIFORM. The Fire Chief shall provide himself with a suitable uniform indicative of his rank and as prescribed by the rules and regulations of the Department.

30-4-19 CHIEF TO DELIVER EFFECTS OF OFFICE TO SUCCESSOR. Upon the expiration of his term of office or his resignation or removal therefrom, the Fire Chief shall deliver to his successor in office all books, records, equipment and property of every description, in his possession, custody, or control belonging to the City or pertaining to his office.

30-4-20 ASSISTANT CHIEF.

(A) There is hereby created the office of Assistant Chief who shall be appointed by the Mayor, by and with the advice and consent of the City Council.

(B) The Assistant Chief shall hold his office until his successor is appointed and has qualified and he shall receive such salary or compensation as may be provided by ordinance.

(C) Before entering upon the duty of his office, the Assistant Chief shall take the oath prescribed by law for all City officers and shall execute and deliver a bond payable to the City in the penal sum prescribed by the Council with sureties to be approved by the Council, conditioned upon the faithful performance of the duties of his office.

(D) The Assistant Chief shall be second in command of the Fire Department, but is subordinate to the Chief of the Fire Department; however, during the absence or disability of the Chief, he shall succeed to and possess all the powers and perform all the duties of the Chief.

(E) The Assistant Chief shall provide himself with a suitable uniform indicative of his rank as prescribed by the rules and regulations of the Department.

30-4-21 - 30-4-22 RESERVED.

DIVISION III – FIRE DEPARTMENT CAPTAINS

30-4-23 POSITIONS CREATED; APPOINTMENT. There are hereby created the **two (2)** positions of Captain of the Fire Department of the City. The Captains shall be appointed by the Mayor with the advice and consent of the City Council.

30-4-24 CAPTAINS' TERMS; COMPENSATION. The Captains shall each hold his office until his successor has been appointed and he shall receive such salary or compensation as may be provided by ordinance.

30-4-25 OATH; BOND. Before entering upon the duties of his office, each of the Captains shall take the oath prescribed by law for all City officers and shall execute and deliver a bond payable to the City in the penal sum prescribed by the Council, conditioned upon the faithful performance of his duties of his office.

30-4-26 POWERS AND DUTIES. The Captains shall be third and fourth in command of the Fire Department, but are subordinate to the Assistant Chief and the Fire Chief. However, during the absence of the Chief and his Assistant, the Duty Captain shall possess all the powers and perform all the duties of the Fire Chief as prescribed by department standard operating procedures (SOP).

30-4-27 UNIFORM OF CAPTAINS. Each of the Captains shall be provided with a suitable uniform indicative of his rank and as prescribed by the rules and regulations of the Department.

30-4-28 CAPTAINS TO DELIVER EFFECTS OF OFFICE TO SUCCESSOR. Upon expiration of the term of his office, or upon his resignation of his office, or upon his removal from office, each Captain shall deliver to the Chief, or to his Assistant, all books, records, equipment, and property of every description in his possession, custody, or control, belonging to the City or pertaining to his office.