

## **CHAPTER 14.**

### **POLICE**

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**Article I. In General.**

(Amended in its Entirety by Ord.12-38 and 23-44)

**Sec. 14-1. Police Department--Created; Composition; Increase in Number of Appointments, etc.**

There is hereby created the Police Department of the Village. There shall be three (3) classifications of police officers within the Village Police Department:

- (A) Director of Police;
- (B) Sworn exempt personnel; and
- (C) Sworn non-exempt personnel.

The number of police officers within each classification shall be as provided by the Village Board of Trustees by ordinance.

Any approval of a new budget by the Village Board increasing the number of appointments or ranks shall be incorporated in and made a part of this Section by reference. Such approval of the budget shall automatically increase the number and rank of the Department without requiring an additional amendment to this Section.

**Sec. 14-2. Office of Director of Police and Duties.**

There is hereby created the office of Director of Police. To the extent that it is consistent with the duties of Director of Police, as set forth hereinafter, any references in this Code to the “Chief of Police” or to the “Police Chief” shall hereafter mean and refer to the Director of Police. In all other cases, the reference to “Chief of Police” or “Police Chief” shall hereinafter mean and refer to a Deputy Chief of Police.

- (A) The Director of Police is an administrative civilian position and shall be appointed pursuant to Sections 2-53 and 2-54 of Chapter 2 of this Code. The Director shall receive such compensation as shall be fixed by the Mayor and Board of Trustees.
- (B) The Director of Police shall be qualified through training and experience to advise and oversee the Police Department. The Director of Police shall not have any powers of arrest and shall not be required to carry a firearm.
- (C) The Director of Police shall be responsible for the oversight of all Police Department functions, including all police officers appointed by the Board of Police Commissioners and any civil employees hired by the Village. The Director of Police shall monitor the efficient operation of the Police Department and shall provide advice with respect to the performance by the Police Department of all of its functions.
- (D) The Director of Police shall make reports concerning the activities of his department as may be required by statute or by the Mayor and Board of Trustees.

**Sec. 14-3. Appointments, Promotion, Demotion and Dismissal of Police Officers.**

The procedure for appointment, dismissal, promotion and demotion of various classifications of police officers, other than the Director of Police, shall be as hereinafter set forth.

- (A) The sworn exempt personnel shall be two (2) Deputy Chiefs of Police and four (4) watch commanders. The personnel in this classification shall be appointed by the Village Manager. The Village Manager may demote any police officers in this classification in his sole discretion. Any police officers in this classification who are demoted shall assume the sworn non-exempt rank which they held immediately prior to their appointment to the sworn exempt personnel classification. During the term of service as a sworn exempt officer, said officer shall be considered on furlough from his/her prior sworn non-exempt rank and position, and appointment to a sworn exempt position shall not be construed to create a vacancy in such sworn, non-exempt rank and position. Sworn exempt personnel may be dismissed from the Department by the Board of Police Commissioners pursuant to the rules and regulations of said Board. (Ord. 20-38; 22-23)
- (B) Sworn non-exempt personnel shall be composed of the following ranks and positions, the number of which positions shall not exceed:

- (1) eight (8) sergeants; and
  - (2) fifty-two (52) police officers. (Ord. 20-38; 22-23)
- (C) Promotions to the rank of sergeant from patrolman shall be made as follows. After promotional testing has been conducted by the Board of Police Commissioners, the Board of Police Commissioners shall prepare a promotion eligibility register and rank the candidates. The Village Manager shall select one of the top three candidates on the promotion eligibility register for promotion. The candidate selected by the Village Manager shall serve for a promotional probationary period of twelve (12) months. At any time during the promotional probationary period, the selected candidate may be demoted to his/her prior rank if in the judgment of the Village Manager the best interests of the Department will thereby be served. After the twelve(12) month promotional probationary period, the candidate shall have non-probationary status in the promotional rank of sergeant and may be demoted or dismissed only after notice and a hearing before the Board of Police Commissioners. If a promotional probationary candidate is demoted, the candidate's name shall be removed from the promotional eligibility register, and the Village Manager shall select a new candidate from the top three candidates on the promotional eligibility register as revised. The promotional eligibility register shall expire three (3) years after it has been compiled and posted by the Board of Police Commissioners.
- (D) The appointment and dismissal of sworn non-exempt patrolmen shall be in the manner provided by the rules and regulations of the Board of Police Commissioners.

**Sec. 14-4. Same--Appointment of Chaplains.**

The Mayor, with approval of the Board, shall appoint Police Chaplains annually for the Police Department upon recommendation of the Director of Police. The number of Chaplains appointed in any one (1) year shall not exceed three (3) nor be less than one (1) in number.

The activities of the Police Chaplain shall be as follows:

- (A) To provide his personal assistance whenever necessary to the members of the Department and their families.
- (B) To assist the Department in its service to members of the community.
- (C) To serve as a channel of understanding between the community and Department.
- (D) Such other duties as may be assigned to him/her by the Director of Police.

**Sec. 14-5. Same--Promulgation of Rules and Regulations.**

The Director of Police may recommend such rules and regulations as he shall deem advisable to the Deputy Chiefs. The Deputy Chiefs may promulgate such rules and regulations, which may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department.

**Sec. 14-6. Same--Appointment of Police Matron.**

The Director of Police may recommend appointment of a Police Matron, who shall perform such duties as may be assigned to her.

**Article II. Board of Police Commissioners.**  
(Amended in its Entirety by Ord. 23-44)

**Sec. 14-7. Creation; Composition.**

There is hereby created a Board of Police Commissioners, which shall consist of five (5) members whose terms of office shall be: three (3) members for three (3) years, one (1) member for two (2) years and one (1) member for one (1) year or until their respective successors are appointed and have qualified. After the initial appointment, each member shall be appointed for a three (3) year period.

**Sec. 14-8. Appointments - Chairman.**

The members of the Board shall be appointed by the Mayor with the consent of the Board of Trustees. One of the appointed members shall be designated as Chairman by the Mayor and shall serve as Chairman until removed by the Mayor. (Ord. 14-08)

**Sec. 14-9. Qualifications, Oath, Bond and Removal from Office Generally.**

The members of the Board shall possess the qualifications required of other officers of the Village, shall take oath or affirmation of office and shall give bond in the same manner as other appointed officers of the Village. They shall be subject to removal from office in the same manner as such other officers.

**Sec. 14-10. Rules and Regulations; Powers and Duties Generally.**

- (A) Subject to the prior review and approval of the Village Board of Trustees, the Board of Police Commissioners shall adopt rules and regulations necessary to govern the operations and duties of the Commission. Pursuant to its home rule powers, the Village Board of Trustees shall have the authority to adopt, amend, supplement, modify or rescind any rule or regulation with respect to the Board of Police Commissioners' duties or operations.

- (B) The Board of Police Commissioners shall make all appointments of patrolmen. Sergeants shall be appointed by the Village Manager and may be demoted by the Village Manager, as provided in Section 14-3. Appointment, dismissal and demotion of the Director of Police and appointment and demotion of Deputy Chiefs of Police as non-civil service supervisory personnel shall be as provided in this Chapter. Dismissal or suspension of sworn police officers from the Department shall be in the manner provided by State law pursuant to charges brought by a Deputy Chief.

**Sec. 14-11. Secretary.**

The Board may employ a Secretary or may designate one of its own members to act as such. The Secretary shall keep the minutes of the Board's proceedings, shall be custodian of all papers pertaining to the business of the Board, shall keep a record of all examinations held and shall perform such other duties as the Board shall prescribe.

**Article III. Police Pension Fund.**

**Sec. 14-12. Establishment.**

There shall be a Police Pension Fund established in the Village, as provided by law. (Ord. 60-33)

**Sec. 14-13. Board of Trustees--Composition; Appointment.**

The Board of Trustees of the Police Pension Fund shall consist of five (5) members, two (2) of which shall be appointed by the Mayor, two (2) of which shall be elected from the active participants of the pension fund (active members of the Police Department), and one (1) elected by and from the beneficiaries. (Ord. 60-33; 20-24)

**Sec. 14-14. Same--Meetings; Election of Officers.**

The Pension Board shall meet at least quarterly, as provided by law, and shall select such officers as required by law. Additional meetings may be called by the President. (Ord. 60-33)

**Sec. 14-15. Financing.**

There shall be deposited in the Pension Fund the sums required bylaw, which shall include the amount deducted per month from the salary of each member of the police force and the proceeds of an annual tax which will produce an amount which, when added to the deductions from the salaries of policemen, will equal a sufficient sum to meet the annual requirements of the pension fund as required by law. (Ord. 60-33; 24-29)

**Article IV. Telephone Devices and Attachments.**

**Sec. 14-16. Use, etc., Prohibited.**

No person, firm or corporation shall use or cause or permit to be used or engage in the business of providing any telephone device and telephone attachment that automatically activates an emergency trunk line so connected to the Addison Police Department, located at 131 W. Lake Street, and then reproduces any message to report any robbery, burglary, fire or other emergencies. Further, any person, firm or corporation who is presently so connected or engaged in the business of providing telephone devices or telephone attachments that automatically activate the aforementioned emergency trunk lines shall have one (1) year to cease and desist such practice upon notice given by the Chief of Police. (Ord. 76-46)

#### **Article V. Auxiliary Police.**

**Sec. 14-17** through **Sec. 14-23** repealed by Ord. 83-09.

#### **Article VI. Regulation of Alarm Systems.** (Amended in its Entirety by Ord. 03-102)

##### **Sec. 14-24. Definitions.**

**Alarm business** means any business operated for profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a burglar or holdup alarm system, or which causes any of these activities to take place.

**Alarm user** means any person on whose premises a monitored alarm system or a local alarm system is maintained within the Village, except for alarm systems on motor vehicles or on proprietary systems which have the control system located within the premises and under the supervision of the proprietor of the protected premises.

**Local alarm system** means any signaling system which, when activated, causes audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

**Monitored alarm system** means any signaling device which is electrically operated and which automatically sends visual and audible signals over a signal line to be registered by indicators at a monitor panel in a receiving terminal of the Police Department and/or alarm company's receiving location.

**Alarm system** means any local alarm system or monitored alarm system.

##### **Sec. 14-25. Monitoring System.**

The Police Department is authorized to contract for the installation of a uniform monitoring system to receive visual and audible signals over a line or lines at a central location. This system shall have a capacity to meet present needs and the ability to expand for future needs and shall be available to any subscriber who meets the requirements for a permit for connection.

##### **Sec. 14-26. Application for Permit by Alarm User; Annual Permit.**

Each person within the Village of Addison who installs or maintains an alarm system in his home, place of business or other premises shall obtain an alarm user's permit for each separate alarm system.

Applications for permits to maintain and operate an alarm system shall be filed with the Chief of Police on forms supplied, with a permit fee of twenty-five dollars (\$25.00) for a residential alarm and forty dollars (\$40.00) for a commercial alarm. The annual permit fee shall be due and payable to the Village of Addison on January 1 of each year. If the permit is purchased on or after March 1, a late fee of fifty percent (50%) will be assessed. There shall be no refund of any unused portion of this fee. The application shall include the following:

- (A) Name, address, telephone number and emergency telephone numbers of alarm users and type of business organization (individual, partnership, corporation).
- (B) If a partnership, names and addresses of the partners; if a corporation, the names and addresses of the principal officers and the state where incorporated.
- (C) Name, address, telephone number and emergency telephone number of key holders.
- (D) An identification of the type of alarm system. (Ord. 08-49; 09-33; 21-20)

**Sec. 14-27. Right of Inspection.**

The Chief of Police shall have the right to inspect any alarm system on the premises where it is intended to be used both prior to and subsequent to the issuance of a permit, at reasonable times, to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this Article.

**Sec. 14-28. Revocation of Permit.**

- (A) The Mayor may revoke or suspend any permit issued pursuant to the provisions of this Article after written notice to the alarm user and an opportunity for a hearing as provided in Section 14-34. The alarm user shall effect compliance within ten (10) days or less, if it is determined that:
  - (1) The alarm system under said permit has been installed, maintained or operated in violation of the provisions of this Article or of any term or condition of said permit;
  - (2) There is a false statement of a material matter in the application for the permit; or
  - (3) The alarm user has failed to make timely payment of any fee required under this Article.
- (B) It shall be unlawful for any person, firm or corporation to operate an alarm system during any period in which the permit issued has been suspended or revoked.

- (C) Unless there is a separate indication that there is a crime in progress, the Chief of Police, or his designee, may refuse police response to an activated alarm system in relation to which the permit has been suspended or revoked.

**Sec. 14-29. Subscriber Charges.**

The alarm user permit holder shall pay the alarm company for all equipment at their location and connection fees to the monitoring system and maintenance charges necessitated by the installation, operation and maintenance of the signaling devices in the monitoring system. The company supplying and maintaining the monitoring system shall have the right to charge subscribers or their alarm equipment installer a reasonable fee for connection to and maintenance of the system.

**Sec. 14-30. False Alarms.**

**False alarm** means the activation of an alarm system or local alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or local alarm system or of his employees or agents. "False alarm" does not include alarm signals activated by violent conditions of nature, telephone line interruptions, acts of God or other extraordinary circumstances not reasonably subject to control by the alarm company or alarm user. Each user shall be responsible for any false alarms transmitted by the device which they operate or maintain. The Chief of Police shall maintain a record of all false alarms so transmitted. Pursuant to the required notice and opportunity to be heard, the Chief of Police may initiate a proceeding before the Mayor pursuant to Section 14-28 to revoke or suspend the permit for the operation of the alarm system involved in the transmission of more than six (6) false alarms in any one year or may make reasonable charges therefor. (Ord. 21-20)

**Sec. 14-31. Charges for False Alarms; Exceptions.**

- (A) The Chief of Police shall not charge a residential alarm user for the first two (2) false alarms during any calendar year. A false alarm fee of one hundred dollars (\$100.00) for each false alarm in excess of two (2) but less than six (6) in any calendar year, transmitted by an alarm system or local alarm system, shall be charged to the alarm user. A false alarm fee of two hundred dollars (\$200.00) for each false alarm in excess of five (5) but less than eleven (11) in any calendar year, transmitted by an alarm system or local alarm system, shall be charged to the alarm user. A false alarm fee of three hundred dollars (\$300.00) for each false alarm in excess of ten (10) in any calendar year, transmitted by an alarm system, shall be charged to the alarm user.
- (B) Such charge shall be payable to the Village of Addison and remitted to the Police Department by the user permit holder or alarm user upon receipt of a statement for such charge. No charge shall be imposed for false alarms for sixty (60) days after initial installation or thirty (30) days after major alterations or additions. The foregoing false alarm fee shall not limit, in any manner, the ability of the Mayor to revoke or suspend a permit under Section 14-30 hereof or the imposition of penalties under Section 14-37. (Ord. 09-33; 21-20)

**Sec. 14-31.1 Charges for Commercial False Alarms; Exceptions.**

- (A) The Chief of Police shall not charge a commercial alarm user for the first two (2) false alarms during any calendar year. A false alarm fee of one hundred dollars (\$100.00) for each false alarm in excess of two (2) but less than four (4) in any calendar year, transmitted by an alarm system or local alarm system, shall be charged to the alarm user. A false alarm fee of two hundred dollars (\$200.00) for each false alarm in excess of three (3) but less than five (5) in any calendar year, transmitted by an alarm system or local alarm system, shall be charged to the alarm user. A false alarm fee of three hundred dollars (\$300.00) for each false alarm in excess of four (4) but less than eleven (11) in any calendar year, transmitted by an alarm system or local alarm system, shall be charged to the alarm user. A false alarm fee of four hundred dollars (\$400.00) for each false alarm in excess of ten (10) in any calendar year, transmitted by an alarm system, shall be charged to the alarm user.
- (C) Such charge shall be payable to the Village of Addison and remitted to the Police Department by the user permit holder or alarm user upon receipt of a statement for such charge. No charge shall be imposed for false alarms for sixty (60) days after initial installation or thirty (30) days after major alterations or additions. The foregoing false alarm fee shall not limit, in any manner, the ability of the Mayor to revoke or suspend a permit under Section 14-30 hereof or the imposition of penalties under Section 14-37. (Ord. 21-20)

**Sec. 14-32. Hearing.**

- (A) Every alarm user shall be entitled to a hearing with the Chief of Police, or such person as delegated by him, for each false alarm in excess of the number of two (2) in one year or in the event that notice has been given of a revocation or suspension of the permit as provided in Section 14-30 hereof. At the hearing, the alarm user may offer evidence that the alarm activation for which he is being charged comes within one of the permissible exceptions. Said hearing shall be requested within five (5) days after receipt of the statement of the charge for a false alarm.
- (B) In the event that the Chief of Police, or his designee, at the conclusion of the hearing, determines that the permit should be suspended or revoked, a recommendation of suspension or revocation shall be made to the Mayor. The Mayor shall review the hearing record and shall determine whether to affirm, reject or modify the recommendation. The decision of the Mayor shall be final.

**Sec. 14-33. Testing or Demonstrating Alarm Systems.**

There shall be no testing or demonstrating alarm systems without first notifying the Police Department of such test or demonstration and obtaining the permission of the Chief of Police. Any activation due to a test or demonstration without said notice and permission shall be deemed a false alarm.

**Sec. 14-34. Failure to Pay Charge for False Alarms/Monitored Systems.**

If the alarm system is connected to the Police Department monitor, the alarm shall be disconnected pursuant to the provisions of Section 14-30 in the event of a failure to pay the annual alarm user permit fee within ten (10) days of the date of renewal of said permit, or in the event of a failure to pay any false alarm fee within fifteen (15) days of the mailing of the statement by the Village. When all charges have been paid and all problems with the signaling system and/or its users have been corrected, and the reconnection to the system is desired by the user, a service charge of fifty dollars (\$50.00) will be paid by the user prior to reconnection.

**Sec. 14-35. Identification Cards.**

Each employee or agent of the alarm equipment installer shall be supplied with a proper identification card. This I.D. card shall be in his possession at all times that he is employed in the alarm business and shall include photo, physical description and signature by an officer of the employing company.

**Sec. 14-36. Liability of the Village Limited.**

The Village shall take every reasonable precaution to assure that alarm signals received by the Village are given appropriate attention and are acted upon with dispatch. Nevertheless, the Village shall not be liable for any defects in the operation of the signaling systems, for any failure or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals and the relaying of such signals. In the event that the Village finds it necessary to disconnect a defective signaling device or to suspend or revoke a permit, the Village shall incur no liability by such action.

**Sec. 14-37. Penalties for Violation.**

Any alarm user:

- (1) failing to obtain an alarm permit as required by this Article; or
- (2) failing to pay any fee, including a false alarm fee, assessed under this Article; or
- (3) otherwise violating any of the terms or provisions of this Article shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) in addition to the outstanding false alarm fee. Each day that such violation continues shall constitute a separate offense. Such violations may be adjudicated under Chapter 30, Article IV of the Village of Addison Code. (09-33)

**Sec. 14-38. Local Alarm Systems.**

Every local alarm shall be constructed, equipped and installed in such fashion that such an alarm shall be incapable of sounding for more than two (2) hours after a signal activation thereof.

**Sec. 14-39. Severability.**

Should any section, paragraph, sentence, clause or phrase of this Article be declared unconstitutional or invalid for any other reason, the remainder of said Article shall not be affected thereby and shall remain in full force and effect, and the same shall not affect the validity of the remaining portions of this Article.

**Sec. 14-40 and Sec. 14-41** reserved for future use.

## **Article VII. Fees.**

### **Sec. 14-42. Fees for Accident Reports.**

The Police Department shall charge a fee of five dollars (\$5.00) for each copy of a traffic accident report which has been prepared by officers of the Department. However, in the event that the accident was investigated by an accident reconstruction officer or accident reconstruction team, the fee shall be twenty dollars (\$20.00). Any written accident report required or requested to be furnished the Administrator of the Department of Law Enforcement shall be provided without cost or fee charges. (Ord. 86-02)

### **Sec. 14-43. Fees for Bail Bond Administration**

- (A) The Police Department shall charge a fee of thirty dollars (\$30.00) for posting bail or bond in any legal process, civil or criminal, or on any bookable arrest, including a warrant.
- (B) In the event the arrestee is acquitted or the case is dismissed, the fee shall be refunded within thirty (30) days of the arrestee's written request to the Police Department for such refund. The Chief of Police shall develop a procedure for persons not convicted to request a refund of the fee which procedure shall be in writing and provided to all persons arrested. (Ord. 11-46)

### **Sec. 14-44. Fees for Fingerprinting; Fees for Audio or Video Copies.**

In addition to any State required fees, the Police Department shall charge a fee of fifty dollars (\$50.00) for fingerprinting, including, but not limited to, for identification purposes, for employment purposes, for concealed carry permits or for access and review of criminal history. The Police Department shall charge a fee of fifty dollars (\$50.00) for copies of audio or video records pursuant to subpoena requests. (Ord. 13-10; 20-37)

### **Sec. 14-45. Processing Fee.**

The Police Department shall charge a fee of seventy-five dollars (\$75.00) for processing a request to expunge/seal a citation arising out of citations issued pursuant to the Village's Administrative Adjudication Hearing program (Chapter 30). (Ord. 15-44)