

=====

**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1022

**AN ORDINANCE AMENDING CHAPTER 2.60 AND CHAPTER
2.108 OF THE VILLAGE OF MELROSE MUNICIPAL CODE TO
PROVIDE FOR SPECIFIC CLASSIFICATIONS OF POLICE
OFFICERS FOR THE VILLAGE OF MELROSE PARK, COUNTY
OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 22ND DAY OF JANUARY 2007

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
THOMAS KLEIN
RUBEN LOMELI
ARTURO J. MOTA
ANTHONY J. PRIGNANO**

=====

**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 23RD day of JANUARY 2007**

ORDINANCE NO. 1022

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 2.60 AND CHAPTER 2.108 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE TO PROVIDE FOR SPECIFIC CLASSIFICATIONS OF POLICE OFFICERS FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, Cook County, Illinois (the “Village”), is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as supplemented and amended; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas “TK” Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, respectively, constitute the duly elected, appointed, qualified and acting officials of the Village; and

WHEREAS, due to recent revisions to the Illinois Compiled Statutes, which were effectuated by Public Act 094-0984, the Illinois Law Enforcement Training and Standards Board (the “State Board”) has issued a statement of policy regarding auxiliary police officers (the “Policy Statement”); and

WHEREAS, the Policy Statement sets forth certain training requirements for auxiliary police officers and for municipalities that establish auxiliary police units; and

WHEREAS, to ensure compliance with the State Board’s training requirements and the Illinois Compiled Statutes, the President and the Village Board (collectively, the “Corporate

Authorities”) have decided to amend the Village of Melrose Park Municipal Code (the “Village Code”) to clarify the rights, training requirements and obligations of part-time police officers and auxiliary police officers; and

WHEREAS, the Corporate Authorities have determined that it is both advisable and in the best interests of the Village and its residents to adopt this Ordinance which, among other things, clarifies the certain standards and regulations regarding part-time police officers and auxiliary police officers appointed by the Village; and

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend Chapter 2.60 and Chapter 2.108 of the Village Code to establish specific standards and regulations regarding part-time police officers and auxiliary police officers appointed by the Village.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09. Reserved.

**ARTICLE II.
AMENDMENTS TO CHAPTER 2.60 AND CHAPTER 2.108 OF
THE VILLAGE OF MELROSE PARK MUNICIPAL CODE**

Section 10.00 Amendment to Section 2.60.010, Creation - Composition.

That Section 2.60.010 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

There is created the Melrose Park Police Department, which shall consist of the President of the Village, the Village Trustees, the Chief of Police, the Administrative Aide to the Chief of Police and such number of lieutenants, sergeants, patrol officers and part-time police officers as is provided by the Board of Trustees of the Village.

Section 10.01 Amendment to Section 2.60.020, Offices Created.

That Section 2.60.020 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

There is created the Office of Chief of Police, Deputy Chief of Police, Commander of Police, Lieutenant of Police, Sergeants of Police, police officers and part-time police officers. The words "police officer" includes a police officer who patrols by foot, bicycle, motorcycle, squad car or otherwise. There shall be one (1) Chief of Police, one (1) Deputy Chief of Police, one (1) Commander of Police, six (6) Lieutenants of Police, four (4) Sergeants of Police and such additional lieutenants, sergeants, patrol officers and part-time police officers as are provided for, from time to time, by the Board of Trustees of the Village. There is also created the Office of Administrative Aide to the Chief of Police whose rank shall be above that of Lieutenant of Police; there shall be one (1) Administrative Aide to the Chief of Police.

Section 10.02 Addition to Section 2.60.170, Part-Time Police Officers.

That Section 2.60.170 of the Village Code is hereby added, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section shall read as follows:

All part-time police officers shall be appointed, disciplined and discharged by the Village in accordance with the provisions of the Illinois Compiled Statutes and the Rules and Regulations of the Board of Fire and Police Commissioners of the Village of Melrose Park, State of Illinois. Part-time police officers shall be members of the regular Melrose Park Police Department, except for pension purposes and shall not be assigned to supervise or direct full-time police officers of the Melrose Park Police Department. All part-time police officers shall meet the requirements for qualification of members, as set forth in Section 2.60.140 of this Code, and shall be required to complete the same examinations required of full-time police officers, unless the requirements are waived or altered by the Illinois Compiled Statutes or the Rules and Regulations of the Board of Fire and Police Commissioners of the Village of Melrose Park, State of Illinois. Part-time police officers shall be conservators of the peace and shall successfully complete the course of training required by the Illinois Compiled Statutes and the Illinois Law Enforcement Training Standards Board. Part-time police officers shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police of the Village. Part-time police officers shall follow the standards set by the Illinois Law Enforcement Training Standards Board and the Village in determining what constitutes part-time employment. The benefits and compensation of part-time police officers shall be established by the Chief of Police or the Rules and Regulations of the Board of Fire and Police Commissioners of the Village of Melrose Park, State of Illinois, if set forth therein.

Section 10.03 Amendment to Section 2.108.030, Other Requirements.

That Section 2.108.030 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

Such auxiliary police officers shall not be members of the regular Melrose Park Police Department. Auxiliary police officers shall be residents of the Village. Auxiliary police officers shall, at all times during the performance of their duties, wear identification symbols that are different and distinct from those used by members of the regular Melrose Park Police Department.

Section 10.04 Amendment to Section 2.108.040, Police and Duties.

That Section 2.108.040 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

Auxiliary police officers shall not supplement members of the regular Melrose Park Police Department in the performance of their assigned and normal duties, except as otherwise provided herein. Auxiliary police officers shall be subject to the direction and control of the Chief of Police and shall have the following powers and duties, when properly assigned and while on duty:

- A. To aid or direct traffic in the Village;
- B. To aid in control of natural or manmade disasters;
- C. To aid in case of civil disorders as directed by the Chief of Police;
- 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 Melrose Park Police Department to perform their normal and regular police duties;
- E. To serve and execute all warrants regarding violations of municipal ordinances or the State criminal law, within the limits of the Village, and for this purpose, auxiliary police officers shall have all of the common law and statutory powers of sheriffs; and
- F. To perform conservator of the peace duties, after the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, which duties shall be as follows:
 - 1. 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;
 - 2. To commit arrested persons for examination;
 - 3. 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; and
 - 4. To exercise all other powers as conservators of the peace as prescribed by the Corporate Authorities.

Section 10.05 Amendment to Section 2.108.050, Right to Carry Firearms.

That Section 2.108.050 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

Auxiliary police officers shall not carry firearms except with the permission of the Chief of Police of the Village and then only when in uniform, in the performance of their duties, and after the successful completion of the training required by the Illinois Compiled Statutes and the Illinois Law Enforcement Training Standards Board.

Section 10.06 Amendment to Section 2.108.060, Training.

That Section 2.108.060 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code Section to the contrary, which Section is amended to read as follows:

Auxiliary police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures from the Chief of Police of the Village. In addition, all auxiliary police officers shall successfully complete such course of training as required by the Illinois Compiled Statutes and the Illinois Law Enforcement Training Standards Board, unless such training is waived by the Illinois Compiled Statutes or otherwise by operation of law, rule or regulation. Upon completion of the Village's required course of training, the Chief of Police shall file a certificate attesting to the auxiliary police officers' completion of the course with the Village Clerk. The Village Clerk shall also maintain any and all records regarding auxiliary police officers completion of courses of training required by the Illinois Compiled Statutes and the Illinois Law Enforcement Training Standards Board.

Section 10.07 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance. The Village Clerk or her designee shall cause a certified copy of this Ordinance to be filed with the Illinois Law Enforcement Training Standards Board.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 11.00 Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 12.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 13.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 14.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Section 15.00 Effective Date. This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Lomeli, Trustee Mota, Trustee Prignano


NAY VOTES:

ABSTAIN:

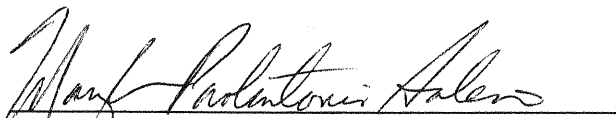
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-
SECOND DAY OF JANUARY, 2007, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 22, 2007
Published in pamphlet form on: January 23, 2007