# ORDINANCE NO. <u>4199</u>

## AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 5 OF THE EAST PEORIA CITY CODE FOR THE PURPOSE OF DESIGNATING THE CODE ENFORCEMENT OFFICER AS A CONSERVATOR OF THE PEACE

**WHEREAS,** the City Code provides for the creation of the department of buildings and inspections consisting of the director of buildings and inspections, the electrical and plumbing inspections, the code enforcement officer, and such other employees assigned thereto; and

**WHEREAS,** code enforcement officers are responsible for inspecting existing buildings and structures for the purpose of enforcing compliance with structural, fire and related safety regulations and requirements; and

**WHEREAS,** code enforcement officers sometimes encounter potential threatening situations during the performance of their responsibilities; and

**WHEREAS,** 65 ILCS 5/3.1-15-25 authorizes a municipality to designate conservators of the peace; and

**WHEREAS,** 720 ILCS 24-2 authorizes a conservator of the peace to carry a firearm while engaged in the performance of his duties; and

**WHEREAS,** the City Council finds it in the best interests of the City to designate code enforcement officers as a conservator of the peace for the purpose of making arrests for violations of the City Code and carrying a firearm while engaged in the performance his duties;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT**:

<u>**Section 1**</u>. Title 1, Chapter 4, Section 5 of the East Peoria City Code is hereby amended as follows (additions indicated by <u>underline</u>, and deletions by ~~strikeout~~):

**1-4-5.1  Creation**

There is hereby created the department of buildings and inspections, an executive department of the city.  This department shall consist of the director of buildings and inspections, the electrical and plumbing inspectors, the code enforcement officer<u>(s)</u>, and such other employees assigned thereto. Any reference elsewhere in this Code to the "department of inspections"

shall be deemed to be a reference to the department of buildings and inspections, and any reference to this Code to the "city inspector" shall be deemed to be a reference to the director of buildings and inspections.

**Section 2**.  Title 1, Chapter 4, Section 5 of the East Peoria City Code is hereby amended by the addition of a new subsection 11, which shall read as follows:

**1-4-5.11.  Code enforcement officers.**

(a)     Code enforcement officers shall be appointed by the Commissioner of Accounts and Finance.  A code enforcement officer shall be directly responsible to the director of buildings and inspections.

(b)     Code enforcement officers shall have the following powers and duties:

(i)      Enforce all provisions of the building, minimum housing, and health regulations of the city, and all statutes and other ordinances of the city relating to the same subject matter;

(ii)     Inspect existing buildings and structures and those being erected or altered for the purpose of enforcing compliance as provided for by statute, this Code or other ordinances of the city;

(iii)    Respond to complaints of potential violations of this Code;

(iv)    Maintain records related to inspection and enforcement activities;

(v)     Appear as a witness whenever necessary for violation of an ordinance or of any State statute;

(vi)    Such other powers and duties as provided for by ordinance or as assigned by the director of buildings and inspections.

(c)     In addition to those duties and powers prescribed in Section 1-4-5.4, a code enforcement officer shall be a conservator of the peace and shall have the power to make arrests for violations of the Code and to exercise all other powers authorized by State law or as prescribed by ordinance, but only after completing the State certified basic law enforcement training

and firearms training pursuant to or otherwise obtaining a waiver of such training from the Illinois Police Training Act and Illinois Law Enforcement Training and Standards Board. Except as otherwise permitted by State law, a code enforcement officer who is qualified as a conservator of the peace shall only be permitted to carry a firearm during the performance of his duties. Further, the director of building and inspections may rescind a code enforcement officer's ability to carry a firearm during the performance of his duties with or without cause.

(d) A code enforcement officer shall conduct himself in a proper, law-abiding manner at all times and avoid the use of unnecessary force. A code enforcement officer shall generally abide by the Firearms and Use of Force policies established by the East Peoria Police Department Policy Manual, and such other rules or policies as may be established by the director of buildings and inspections from time to time. However, a code enforcement officer who is qualified as a conservator of the peace shall not be considered to be a member of the police department.

(e) A code enforcement officer who is qualified as a conservator of the peace shall, at all times during the course of his duties, carry proper identification indicating he is a conservator of the peace and is certified as a conservator of the peace by the Illinois Law Enforcement Training and Standards Board.

**Section 2**. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 3**. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 4**. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2016.**

**APPROVED**:

_____
Mayor

**ATTEST:**

_____
City Clerk

**EXAMINED AND APPROVED:**

_____
Corporation Counsel