

**VILLAGE OF BURNHAM**

**ORDINANCE NO. 2013-O-002**

**AN ORDINANCE AMENDING SECTION 50-33(b) OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, ILLINOIS AND AMENDING THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, ILLINOIS BY ADDING DIVISION 3. DEPUTY CHIEF OF POLICE TO ARTICLE II. POLICE DEPARTMENT OF CHAPTER 50.**

**WHEREAS**, the Village of Burnham, Cook County, Illinois, (the “Village”) has elected by Referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of public health, safety, morals, and welfare, to license, to tax and to incur debt; and

**WHEREAS**, the Corporate Authorities of the Village deem it advisable to establish the office of deputy chief of police of the police department of the Village; and

**WHEREAS**, the Corporate Authorities of the Village deem it urgent that this Ordinance take effect immediately upon its passage due to the existing shortage of management personnel of the police department of the Village.

**BE IT ORDAINED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**Section 1.** The Corporate Authorities of the Village hereby find that all of the recitals contained in the preambles of this Ordinance are true, correct and complete and do hereby incorporate them into this Ordinance by this reference.

**Section 2.** Section 50-33(b) *Appointments*. of the Code of Ordinances, Village of Burnham, Illinois is hereby amended to read as follows:

Sec. 50-33(b) *Appointments*. The chief of police shall be appointed by the village president by and with the advice and consent of the board of trustees. The deputy chief of police shall be appointed by the village president by and with the advice and consent of the board of trustees. All other appointments to or promotions within the police department shall be made by the board of fire and police commissioners of the village as provided by statute, provided that no appointment or promotion shall be made until the village president and board of trustees has authorized either the hiring or promotion of

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a police officer. The board of fire and police commissioners shall determine who is to be hired or promoted after such hiring or promotion of a police officer has been authorized by the village president and board of trustees. The board of fire and police commissioners shall not hire any new or additional police officers or make any promotions within the police department without prior authorization of the village president and board of trustees.

**Section 3.** The Code of Ordinances, Village of Burnham, Illinois is hereby amended by adding a division to ARTICLE II. POLICE DEPARTMENT of Chapter 50 to be numbered Division 3. DEPUTY CHIEF OF POLICE, which Division reads as follows:

Chapter 50

ARTICLE II. POLICE DEPARTMENT

DIVISION 3. DEPUTY CHIEF OF POLICE

*Sec. 50-90. Office Created.*

There is hereby created the office of deputy chief of police. There shall be one (1) deputy chief of police. The office of deputy chief of police shall be an exempt rank immediately below that of chief of police. The office of deputy chief of police shall not be subject to the jurisdiction of the board of fire and police commissioners.

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*Sec. 50-91. Appointment.*

The deputy chief of police shall be appointed by the village president by and with the advice and consent of the board of trustees. The deputy chief of police may be appointed from outside the village's police department or from any rank of sworn, full-time police officers of the village's police department. If removed, a deputy chief of police having been appointed from any rank of sworn full time police officers of the village's police department, shall revert to the rank currently held, without regard as to whether or not a vacancy exists in that rank. A deputy chief of police, having been appointed from any rank of sworn full time police officers of the village's police department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than he currently holds, without having to resign as deputy chief of police.

*Sec. 50-92. Discipline\Removal.*

The deputy chief of police shall serve at the discretion of the village president. Discipline and\or removal of a deputy chief of police shall be by the village president by and with the advice and consent of the board of trustees.

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*Sec. 50-93. Conservator of the peace.*

The deputy chief of police shall be a conservator of the peace with the power to make arrest, as provided by statute.

*Sec. 50-94. Duties of Deputy Chief of Police.*

The duties of the deputy chief of police shall be as follows:

1. Act for the chief of police during the absence of the chief of police or as designated.
  2. Execute general and special assignments in the planning, administration, coordination, and direction of the police department as assigned by the chief of police.
  3. Review of the departmental operations and activities.
  4. Serve as a member of the police department's management team, provide recommendations, advice and assistance to the chief of police, assist in setting the police department goals, and evaluate the extent and nature of the accomplishment of the department mission.
  5. Conduct special assignments at the direction of the chief of police.
  6. Direct and coordinate activities; develop policies and procedures; participate in the preparation of the police department's
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budget; and administer administrative and staff services as assigned by the chief of police.

7. Enforce all ordinances, rules and regulations relative to the preservation of peace, health, good order and quite of the village, and to prosecute all persons guilty of any violations of the ordinances of the village or the state.

8. Perform any and all other duties assigned by the chief of police.

*Sec. 50-95. Compensation.*

The compensation of the deputy chief of police shall be established by the board of trustees by ordinance from time to time.

**Section 4.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or the application thereto any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance or the application of such portion to other persons or circumstances but they shall remain in effect, it

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being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion.

**Section 6.** This Ordinance shall be in full force and effect after its passage and approval according to law due the urgency of the existing shortage of management personnel of the police department of the Village, but it shall subsequently be published in Pamphlet Form by the authority of the President and Board of Trustees of the Village of Burnham, Cook County, Illinois.

**Section 7.** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham that to the extent that the terms of this Ordinance should be inconsistent with any no-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

**Section 8.** This Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

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PASSED By the Village President (Mayor) and Board of Trustees of the  
Village of Burnham, Cook County, Illinois, this   28th   day of  
  MAY  , 2013.

**ROLL CALL VOTE:**

AYES:     JOHN J. CAP, JR., REYNALDO (RAY) ESPINO, LUS E. CHAVEZ,  
BRENDA GREER, CARMELLA K. RICHARDSON, AND  
TRAVIS CLAYBROOKS

NAYS: \_\_\_\_\_  
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ABSENT: \_\_\_\_\_  
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VILLAGE CLERK

APPROVED by me this   28th   day of   MAY  , 2013.

Robert E. Bell  
VILLAGE PRESIDENT (MAYOR)

ATTEST:

Nancy C. Dobrowski  
VILLAGE CLERK

(SEAL)



Recorded in Village Records: May 28, 2013

Published in pamphlet form by authority of the Village President (Mayor) and  
Board of Trustees of the Village of Burnham, Cook County, Illinois on  
MAY 28, 2013.

ATTEST:

Nancy C. Dobrowski.  
VILLAGE CLERK

(SEAL)