

Chapter 17

**POLICE<sup>1</sup>**

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**ARTICLE I. IN GENERAL**

**Sec. 17-1. Resisting Or Obstructing A Peace Officer<sup>2</sup>:**

No person shall knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity as a peace officer. (Ord. No. 1981-21, § 1, 9-8-1981)

**Secs. 17-2-17-15. Reserved:**

**ARTICLE II. POLICE DEPARTMENT<sup>3</sup>**

**DIVISION 1. GENERALLY**

**Sec. 17-16. Created; Composition:**

There is hereby created a Police Department to be an executive department of the City. The Police Department shall consist of the Chief of Police and of such other members as may be provided from time to time by the Mayor and City Council. (Code 1978, Ch. 8, § 1)

**Sec. 17-17. General Duties Of Members:**

It shall be the duty of the members of the Police Department to see to the enforcement of all of the provisions of this Code and other ordinances of the City and all statutes applicable to the City, to preserve order, prevent infractions of the law and to arrest violators thereof. (Code 1978, Ch. 8, § 4)

**Sec. 17-18. Bail:**

The officer in charge of the Police Department at the time bail is requested may set the bail; provided that the arrested person may have the amount of bail set by a magistrate when a magistrate is available. (Code 1978, Ch. 8, § 5)

**Sec. 17-19. Serving Process:**

No member of the Police Department other than the Chief of Police shall serve any process except by order of his superior officer. (Code 1978, Ch. 8, § 6)

**Sec. 17-20. Conduct Of Members:**

It shall be the duty of every member of the Police Department to conduct himself in a proper and law-abiding manner at all times, and to

1. See also: duty of Chief of Police to provide continuing services to the City, § 2-24; impersonation of City officers, § 2-33; interference with City officers, § 2-34; Law Enforcement Committee of City Council, § 2-87; Board of Fire and Police Commissioners, § 2-271 et seq.; duty of Police Department with regard to removal of unlawful signs, § 3-1; motor vehicles and traffic, § 14-1 et seq. of this Code.

2. S.H.A. 720 ILCS 5/31-1.

3. City authority, S.H.A. 65 ILCS 5/11-1-2.

avoid the use of unnecessary force. Each member of the Police Department shall obey the orders and directions of his superior. (Code 1978, Ch. 8, § 7)

**Sec. 17-21. Members Serving As Witnesses:**

Any member of the Police Department shall appear as a witness when necessary in a prosecution for a violation of this Code, other ordinance or any State or Federal law. No member of the Police Department shall retain any witness fee for service as a witness in any action or suit to which the City is a party. Any fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the City Treasurer. (Code 1978, Ch. 8, § 8)

**Sec. 17-22. Department Rules And Regulations:**

The Chief of Police may make or prescribe rules and regulations for the Police Department relating to hours of duty, vacations, uniforms and conduct of the members of the Police Department as he shall deem advisable. Rules and regulations made pursuant to this Section, when approved by the Mayor and Council, shall be binding on the members of the Police Department. (Code 1978, Ch. 8, § 9)

**Secs. 17-23-17-30. Reserved:**

**DIVISION 2. CHIEF OF POLICE<sup>1</sup>**

**Sec. 17-31. Office Of Chief Created:**

There is hereby created the office of Chief of Police, who shall be appointed by the Mayor, by and with the consent of the City Council. (Code 1978; Ord. No. 1995-16, § 11, 5-16-1995)

**Sec. 17-32. Capacity As Ex Officio Marshal And Superintendent Of Police:**

The Chief of Police shall be ex officio City Marshal and Superintendent of Police. (Code 1978, Ch. 8, § 2)

**Sec. 17-33. Authority Over Police Department:**

The Chief of Police shall be responsible for the performance of the Police Department, in all of its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police. (Code 1978, Ch. 8, § 3)

**Sec. 17-34. Duty To Keep Records And Make Reports:**

The Chief of Police shall keep such records and make such reports concerning the activities of the Police Department as may be required by State law or by the City Council. (Code 1978, Ch. 8, § 3)

**Sec. 17-35. Custodian Of Property:**

The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City and of all property of the City which is not assigned to the care or custody of any other officer. (Code 1978, Ch. 8, §§ 11, 12)

**Sec. 17-36. Inspections:**

The Chief of Police shall make all inspections necessary under the provisions of this Code and other ordinances of the City requiring him to make inspections. (Code 1978, Ch. 8, § 13)

**Secs. 17-37-17-50. Reserved:**

<sup>1</sup> See also: duty of Chief of Police to enforce State Sanitary Inspection Act, § 10-2 of this Code.

**ARTICLE III. CITY JAIL****Sec. 17-51. Established:**

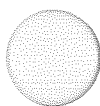
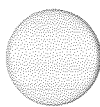
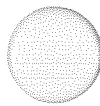
The place in the City heretofore established and used as the City jail, or any other place which may be hereafter used for that purpose, is hereby declared to be the City jail. (Code 1978, Ch. 10, Art. IV, § 1)

**Sec. 17-52. Use:**

The City jail shall be used for the incarceration of all persons arrested for violating any State or Federal law or any of the provisions of this Code or other City ordinances until such person is lawfully brought before a magistrate for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released. (Code 1978, Ch. 10, Art. IV, § 3)

**Sec. 17-53. Chief Of Police To Be Custodian:**

The Chief of Police shall be the keeper of the City jail and shall have custody over all persons



confined therein and of all property pertaining thereto.

(Code 1978, Ch. 8, § 3; Ch. 10, Art. IV, § 2)

**Sec. 17-54. Escape.**

It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape or attempt to escape from the city jail.

(Code 1978, Ch. 10, Art. IV, § 4)

**Sec. 17-55. Communications with prisoners.**

It shall be unlawful for any person to communicate with any prisoner held in the city jail without the permission of the chief of police or the police officer in charge.

(Code 1978, Ch. 10, Art. IV, § 5)

**Secs. 17-56—17-70. Reserved.**

**ARTICLE IV. ALARM SYSTEMS\***

**Sec. 17-71. Service charge for false alarms established.**

(a) Any person who owns or operates private alarm equipment in the city which is connected to the Troy Police Department for the purpose of giving an alarm to the Troy Police Department if an unauthorized intrusion occurs upon the premises where the alarm is located, thereby agrees to pay the City of Troy a service charge for each false alarm given by such equipment to which the Troy Police Department responds.

(b) The service charge for each such false alarm shall be twenty-five dollars (\$25.00).

(Ord. No. 1982-9, §§ 1, 2, 4, 10-18-82; Ord. No. 1988-10, § 1, 4-4-88)

**Sec. 17-72. Failure to pay charges for false alarms.**

If any service charges levied pursuant to this article are not paid promptly upon billing, the city may institute a civil action to collect the

\*Cross reference—Smoke detectors, § 7-121 et seq. Supp. No. 3

charges and may disconnect any equipment from any city building or facility and promptly terminate the monitoring thereof.

(Ord. No. 1982-9, § 3, 10-18-82)

**Sec. 17-73. Liability for damages.**

In addition to the service charge established by this article, the owners and operators of any alarm equipment rendering false alarms shall be liable for all direct and proximate damages and injuries resulting from any false alarm.

(Ord. No. 1982-9, § 5, 10-18-82)

**Secs. 17-74—17-85. Reserved.**

**ARTICLE V. POLICE PENSION FUND†**

**Sec. 17-86. Establishment of fund.**

There is hereby established a police pension fund and in accordance with the provisions of an act of the legislature of the State of Illinois, entitled, "Policemen's Pension Fund—Municipalities 500,000 and Under," Illinois Revised Statutes 1969, chapter 108½, section 3-101 et seq. Because of its establishment of this police pension fund, the City of Troy, Illinois, hereby terminates its contributions to, and administration of, all other pension plans to which it has previously contributed, or which it has previously administered, in behalf of the policemen who will be covered by the pension established by this article.

(Ord. No. 1986-32, § 1, 10-20-86)

**Sec. 17-87. Purpose; source of funds.**

This article shall be in full force and effect from and after its passage and approval. There shall be and is hereby created a police pension fund in and for the city, for the purpose of providing pensions for members of the police department of the city under the terms and regulations hereinafter set forth, and not to be in conflict with the provisions set down in chapter 108½, sections 3-101 through 3-149 inclusive of Illinois Revised Statutes.

†Editor's note—Ord. No. 1986-32, adopted Oct. 20, 1986, did not specifically amend the Code; hence, inclusion of §§ 1-10 as Art. V, §§ 17-86—17-94, was at the discretion of the editor.

The city council shall annually hereafter levy a tax upon all taxable property of the city at the rate on the dollar of all such taxable property which will produce an amount which when added to the deductions from the salaries or wages of policemen and receipts available from all other resources hereinafter referred to, will equal a sufficient sum to meet the annual requirements of the pension fund. Such tax shall be levied and collected in like manner with general taxes of the city and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the city. In the event that the pension fund in any year, over and above the reserve fund, is sufficient to meet all demands of those requiring payment therefrom in such year, the city council may dispense with the levy of such tax.

(Ord. No. 1986-32, § 2, 10-20-86)

**Sec. 17-88. Moneys to be paid into fund.**

All moneys derived from the taxes levied hereunder and the following moneys shall be set apart by the treasurer of the city to constitute the police pension fund.

(Ord. No. 1986-32, § 3, 10-20-86)

**Sec. 17-89. Policemen defined.**

"Policemen" as used in this article means any person appointed and sworn or designated by law as a policeman of the city and who has served or is serving or shall serve in the regularly constituted police department of such city as a policeman or police officer.

(Ord. No. 1986-32, § 4, 10-20-86)

**Sec. 17-90. Applicability.**

This article is applicable to all policemen of the city who meet the qualifications set forth in article 3, chapter 108½ of the "Policemen's Pension Fund—Municipalities 500,000 and Under," Illinois Revised Statutes.

(Ord. No. 1986-32, § 5, 10-20-86)

**Sec. 17-91. Eligibility for benefits.**

All policemen and widows or dependents are eligible for pension benefits from the fund who

qualify under sections 3-107, 3-108, 3-113, 3-118, 3-119 of Chapter 108½ of "Policemen's Pension Fund—Municipalities under 500,000," Illinois Revised Statutes.

(Ord. No. 1986-32, § 7, 10-20-86)

**Sec. 17-92. Board of trustees—Established; membership.**

A board of five (5) members, a majority of whom shall be residents of the city to be chosen as hereinafter provided, shall be and constitute a board of trustees to provide for the disbursement of said fund and designate the beneficiaries thereof as herein directed, which board shall be known as the "Board of Trustees" of the Police Pension Fund of the City of Troy." Two (2) of said board shall be appointed by the mayor of the city, one of said members shall serve from the date of appointment until May 12, 1988; the other of said members shall serve from the date of appointment until May 12, 1989; the successors to the foregoing trustees shall serve for a period of two (2) years or until such time as their successors are appointed and qualified. The third and fourth members of the board shall be elected from the regular police force by the active members. The fifth member shall be elected from the beneficiaries by such beneficiaries. The members to be elected shall be elected for a period from the date of election until April 30, and for two-year terms thereafter.

(Ord. No. 1986-32, § 6, 10-20-86)

**Sec. 17-93. Same—Meetings; election of officers.**

The board herein provided for shall hold quarterly meetings on the second Tuesday of July, October, January, and April of each year and special meetings upon the call of the president of said board. At the first meeting of said board, it shall elect one of its members who shall act as the

president of said board for the period of one (1) year until such time as his successor is elected and qualified. Said board on the same day, also shall elect another of its members as secretary and another as vice-president, both of whom shall serve for a period of one (1) year or until such time as their successors are elected and qualified. (Ord. No. 1986-32, § 8, 10-20-86)

**Sec. 17-94. Same—Powers and duties.**

In addition to the other powers herein granted, the following further powers and authority are hereby conferred upon the board:

- (1) The exclusive control and management of the fund mentioned herein and of all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the police department, their widows, minor children and dependant parents. All such moneys shall be placed by the treasurer of the city to the credit of the fund subject to the order of the board.
- (2) To draw such pension funds from the treasury and invest such funds, or any part thereof, in the name of the board of trustees of the police pension fund in interest bearing bonds or tax anticipation warrants of the United States or the State of Illinois, or of any county of this state or of any township or municipal corporation of the State of Illinois, and in insured shares of federal chartered savings and loan associations if the shares are insured by the Federal Savings and Loan Insurance Corporation. All securities shall be deposited with the treasurer of the city and shall be subject to the order of the board. The interest received from any such investment shall be credited to the account of the pension fund.
- (3) To appoint a clerk and define his duties, provided, however, that no person drawing a pension under this article shall be employed by the board as a clerk.
- (4) To provide for the payment from the fund of all necessary expenses including clerk

hire, attorney's fees, printing and witness fees; provided that no compensation shall be paid to any member of the board for any duty performed under this article.

- (5) To make all necessary rules and regulations for its guidance in conformity with the provisions of this article.
- (6) To do any and all other acts required under the provisions of chapter 108½, sections 3-101 through 3-149 of "Policemen's Pension Fund—Municipalities under 500,000," Illinois Revised Statutes, as amended in 1963. (Ord. No. 1986-32, §§ 9, 10; 10-20-86)

