

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATION

I, LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village"), and as such Village Clerk, I am the keeper of the official journal of proceedings, books, records, papers, minutes, entries, documents, resolutions, ordinances, and files of the Village and of the President and Board of Trustees, (the "Corporate Authorities"), thereof, and that attached is a full, true, and correct copy of ORDINANCE NO. 2020-O-004 now on file in my office entitled:

ORDINANCE NO. 2020-O-004

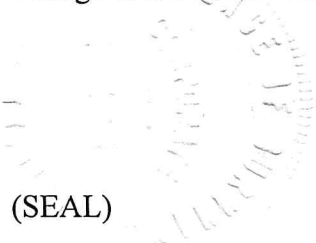
AN ORDINANCE CREATING AUXILIARY POLICE OFFICERS AND AMENDING CHAPTER 50 – LAW ENFORCEMENT, ARTICLE II – POLICE DEPARTMENT SECTION 61 AND SECTIONS 62-80, OF THE CODE OF ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY, STATE OF ILLINOIS

I further certify that said Ordinance No. 2020-O-004 was duly passed on roll call vote by the Board of Trustees of the Village on the 22nd day of September, 2020, and approved by the President of the Village on the 22nd day of September, 2020, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as

Village Clerk of the Village and the seal of the Village this 22th day of September, 2020.



(SEAL)



LUS E. CHAVEZ
Village Clerk

**THE VILLAGE OF BURNHAM
COOK COUNTY, ILLINOIS**

AUXILIARY POLICE OFFICERS

ORDINANCE NO. 2020-O-004

**AN ORDINANCE CREATING AUXILIARY POLICE OFFICERS
AND
AMENDING CHAPTER 50 – LAW ENFORCEMENT, ARTICLE II –
POLICE DEPARTMENT SECTION 61 AND SECTIONS 62-80, OF THE
CODE OF ORDINANCES, VILLAGE OF BURNHAM, COOK COUNTY,
STATE OF ILLINOIS**

WHEREAS, The Village of Burnham was organized as a municipal corporation on February 8, 1907, by court order under the Cities, Villages and Towns Act of the Illinois Revised Statutes in Cook County, Illinois; and

WHEREAS, the Village of Burnham, Cook County, Illinois 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 Sec. 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 the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

WHEREAS, the Corporate Authorities of the Village of Burnham deem it advisable and in the best interests for the protection, safety, and welfare of the Village's residents, businesses, and their property to create and appoint auxiliary police officers; and

WHEREAS, auxiliary police officers may be residents of other municipalities and states and must be at least twenty-one (21) years of age; and

WHEREAS, auxiliary police officers shall only carry firearms while on duty, with written permission from the Chief of Police, after completing state mandated firearms training; and

WHEREAS, auxiliary police officers shall not be “conservators of the peace” and shall only have the powers and duties as set forth by state statutes 65ILCS 5/3.1-30-21; and

WHEREAS, auxiliary 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 of Burnham.

NOW 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. INCORPORATION OF PREAMBLES

THAT, 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 as if they were set forth verbatim in this section.

Section 2. AUXILIARY POLICE OFFICERS

THAT, Section 50-61 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

Sec. 50-61. Auxiliary Police Officers.

- (1) Position created. There is hereby created the position of auxiliary police officer. The number of auxiliary police officers shall be determined by vote of the Village President (Mayor) and the Board of Trustees and may be increased or decreased from time to time as necessary.
- (2) Auxiliary police officers shall not be members of the regular police department of the municipality. Auxiliary police officers shall not supplement members of the regular police department of any municipality in the performance of their assigned and normal duties, except as otherwise provided in this Code. Auxiliary police officers shall only be assigned to perform the following duties in a municipality: (i) to aid or direct traffic within the municipality, (ii) to aid in control of natural or man-made disasters, and (iii) to aid in case of civil disorder as directed by the Chief of Police. When it is impractical for members of the regular police department to perform those normal and regular police duties, however, the Chief of Police of the regular police department may assign auxiliary police officers to perform those normal and regular police duties. Identification symbols worn by auxiliary police officers shall be different and distinct from those used by members of the regular police department. Auxiliary 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 of Burnham. Auxiliary police officers shall not carry firearms, except with the permission of the Chief of Police and while in uniform and in the performance of their duties.
- (3) Auxiliary police officers, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of powers conferred upon them under this Code. The training and course of study shall be determined and provided by the corporate authorities of each municipality employing auxiliary police officers. Before being permitted to carry a firearm, however, an auxiliary police officer

must have the same course of training as required of police officers under Section 2 of the Police Officer and Probation Officer Firearm Training Act. Before the appointment of an auxiliary police officer, the person's fingerprints shall be taken, and no person shall be appointed as an auxiliary police officer if that person has been convicted of a felony or other crime involving moral turpitude.

- (4) Auxiliary police officers may be residents of other municipalities and states and be 21 years of age.
- (5) Auxiliary police officers shall not be "conservators of the peace" and shall only have the powers and duties as set forth in the Illinois State Statutes 65ILCS 5/3.1-30-21 and this Village Code of Ordinances.
- (6) Auxiliary police officers shall only carry firearms while on duty with written permission from the Chief of Police.
- (7) Auxiliary 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 of Burnham.

Section 3. RESERVED

THAT, Section 50-62 of the Code of Ordinances, Village of Burnham, Illinois, is hereby amended to read as follows:

Sec 50-62. Sections 62 through 80 are hereby reserved for further use.

Section 4. REPEALER OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. SEVERABILITY

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

Section 6. EFFECTIVE UPON PASSAGE

This Ordinance shall be in full force and effect after its passage, approval, and publication according to law.

Section 7. LEGISLATIVE ACT OF HOME RULE MUNICIPALITY

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, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

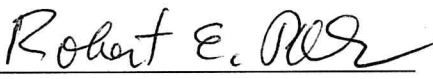
Section 8. PUBLISHED IN PAMPHLET FORM

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.

PASSED By the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 22nd day of September, 2020.

PRESIDENT AND VILLAGE BOARD MEMBERS

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	_____	_____	_____
Trustee Denise Bonner	<u>X</u>	_____	_____	_____
Trustee Graciela Garcia	<u>X</u>	_____	_____	_____
Trustee Brenda Greer	<u>X</u>	_____	_____	_____
Trustee Carmella Richardson	_____	_____	<u>X</u>	_____
Trustee Travis Claybrooks	<u>X</u>	_____	_____	_____


ROBERT E. POLK
Village President (Mayor)

ATTEST:



LUS E. CHAVEZ
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 22nd day of September, 2020.

ATTEST:



LUS E. CHAVEZ, VILLAGE CLERK
(SEAL)