

**CHAPTER 30 – PUBLIC SAFETY**

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## CHAPTER 30

## PUBLIC SAFETY

## ARTICLE I – LOCAL STATE OF EMERGENCY

**30-1-1**        **DEFINITIONS.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A)        **Emergency.**

- (1)        A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or
- (2)        Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the City, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B)        **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2**        **DECLARATION.** Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the City Clerk as soon as practicable after issuance.

**30-1-3**        **CURFEW AUTHORIZED.** After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

**30-1-4**        **ORDERS AUTHORIZED.** After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

- (A)        All actions reasonably necessary to respond to the emergency;
- (B)        Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the City; and
- (C)        In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.
- (D)        Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- (E)        Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

**30-1-5** **DURATION.** The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

**30-1-6** **NOTICE.** Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the City:

- (A) The City Hall.
- (B) The Post Office.
- (C) The Court House.
- (D) The Library.

**30-1-7** **VIOLATIONS.** Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by **Section 1-1-20** of the City Code.

**30-1-8** **EFFECT ON OTHER ORDINANCES.** Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

**ARTICLE II - POLICE DEPARTMENT****DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1**        **OFFICE CREATED - TERM.** There are created the offices of Chief of Police and Assistant Chief of Police of the City of Gibson City. The Chief of Police shall; hold his office under the terms of his appointment. The Assistant Chief of Police shall hold his office during the term of his appointment. (Ord. No. 92-0-14; 06-08-92)

**30-2-2**        **APPOINTMENT – OATH - BOND.** The Chief of Police shall be appointed and may be discharged by the Mayor with the advice and consent of the City Council. Before entering upon the duties of Chief, said appointee shall take the oath prescribed for other City officers and enter into a bond in the penal sum of **Two Thousand Dollars (\$2,000.00)** with good and sufficient sureties to be approved by the City Council, for the faithful discharge of the duties of the office, and shall acknowledge that he/she has read the rules and regulations of that office and that he/she understands the rules and regulations. The prior position of “Assistant Chief of Police” is hereby eliminated. The position of Captain shall be a position appointed by the Chief of Police and shall be assigned the duties and responsibilities as determined by the Chief of Police. The City Council will determine the appropriate compensation for the position of Captain. (Ord. No. 19-10; 05-13-19)

**30-2-3**        **RANK.** The Chief of Police shall be the head of the Department and have supervision over all officers and members thereof.

**30-2-4**        **DEVOTE ENTIRE TIME - OFFENDERS.** The Chief of Police shall devote his whole time and energy to the discharge of the duties of his office and shall see that the laws and ordinances of the City are enforced as far as possible by the force under his command, and that all offenders are reported to some proper tribunal for punishment.

**30-2-5**        **CONTROL OF POLICE FORCE – ABSENCE OR DISABILITY.** The Chief of Police shall be the commanding officer of the entire police force of the City, subject only to the Mayor; the Chief of Police shall assign to the Captain, policemen or patrolmen under him/her their different duties, beats or districts, and their respective hours of service, and shall see that each member of the Police Department is on duty during the whole time of their respective watch; in the event of the necessary absence from the City, or temporary disability, of the Police Chief, the Captain shall assume and be responsible for all of the duties of the Police Chief during such absence or disability. The Chief of Police may designate and delegate areas of responsibility to the Captain at such time as such officers are on duty or are subject to call to duty. (Ord. No. 19-10; 05-13-19)

**30-2-6**        **REPORT AND SUSPENSION OF MEMBERS.** It is the duty of the Chief of Police of the City to promptly report to the Mayor any member of the police force who may be guilty of drunkenness, neglect of duty, disobedience of orders, or violation of the standing rules and regulations of the Police Department; and during the pendency of formal charges against any police officer or patrolman on the force, the Chief of Police may, with the consent of the Mayor, suspend such officer or patrolman from duty until such charges can be investigated.

**30-2-7**        **KEEP RECORDS.** The Chief of Police shall keep or cause to be kept, books of record of the Police Department and of all persons arrested or committed by the police,

showing the time and place of each arrest, the offense for which the same was made, the court before whom such person was tried and the disposition of the case.

**30-2-8**        **MONTHLY REPORT.** The Chief of Police shall make a monthly report to the City Council, or more often if required, in writing, of the state of the Police Department, with such statistics and suggestions as the Chief may deem advisable for the improvement of the police force, or its discipline. Such report shall also show the number of arrests made by the police force during the preceding month, the offenses charged, and the amount of fines collected.

**30-2-9**        **POWERS OF POLICE – ARREST AND DETENTION.** Each police officer of the City shall have the power to arrest or to cause to be arrested, with or without process, all persons found violating any City, State, County or Federal law. Such persons arrested may be detained or admitted to jail according to the existing law or ruling of Courts of competent jurisdiction.

**30-2-10**       **RECORD OF ARREST.** All police officers making an arrest shall record the name and physical description of the person arrested, where arrested, and on what charge; what property, if any, was taken or found on such person, and how disposed of; and also record his own name as the officer making the arrest and all such records shall become the property of the City Police Department.

**30-2-11**       **DUTIES OF CHIEF.**

(A)            The Chief of Police shall keep such records and make such reports, not in conflict with existing law, concerning the activities of the Department as may be required by statute or by the City Council. The Chief shall be responsible for the performance of the Police Department of its functions and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police.

(B)            The Chief of Police may make or prescribe such rules and regulations as he shall deem advisable; such rules shall be binding on such members. Such rules and regulations may cover conduct of the members, uniforms and equipment to be worn or carried, hour of service and vacations not in conflict with the current City Personnel Policy, and all other similar matters necessary for the efficiency of the Department.

(C)            The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the City. The above property shall be surrendered by the officer(s) before the end of his shift by depositing the same with the Chief of Police or by placing the property in the locked transfer areas or in the custody and control of a towing service when a vehicle is involved; such evidence shall be returned to the lawful owner when no longer needed as evidence in any pending court action or destroyed on order of the court or destroyed if the item is contraband.

**30-2-12**       **PART-TIME POLICE.**

(A)            **Employment.** The City may employ part-time police officers from time to time as it deems necessary.

(B)            **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the City Police Department by its Chief of Police, but the number of hours a part-time officer may work within a calendar year is restricted to no more as permitted by law or as prescribed by the Illinois Law Enforcement Training and Standards Board as may be amended from time to time. Part-time police officers shall not be assigned to supervise or direct full-time police officers.

Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the ILETSB.

(C) **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards:

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2) Be at least **twenty-one (21) years** of age.
- (3) Pass a medical examination.
- (4) Possess a high school diploma or GED certificate.
- (5) Possess a valid State of Illinois driver's license.
- (6) Possess no prior felony convictions.
- (7) Any individual who has served in the U.S. military must have been honorably discharged.

(D) **Discipline.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the City authorities, shall not have any property rights in said employment, and may be removed by the City authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. No. 12-10; 07-09-12)

**30-2-13 POSITION OF SERGEANT.** The position of Sergeant is hereby created and shall be a position created by the Chief of Police and shall be assigned the duties and responsibilities as determined by the Chief of Police. The City Council shall determine the appropriate compensation for the position of Sergeant. (Ord. No. 07-17; 08-27-07)

## ARTICLE III - AUXILIARY POLICE

**30-3-1 APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen and part-time policemen as employees from people recommended by the Chief of Police, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary and part-time policemen shall be fingerprinted, and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C., for any possible criminal record. No person shall be appointed as an auxiliary or part-time policeman if he has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all auxiliary or part-time policemen may be terminated by the Mayor, subject to the advice and consent of the City Council. (Ord. No. 92-0-15; 06-08-92)

**30-3-2 NOT MEMBERS OF POLICE DEPARTMENT.** Such auxiliary policemen shall not be members of the regular Police Department of the City. Auxiliary policemen shall be residents of the City. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the regular Police Department and shall be selected and chosen by the Chief of Police of the City. Auxiliary policemen shall, at all times, during the performance of their duties, be subject to the direction and control of the Chief of Police of this City.

**30-3-3 POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

- (A) To aid or direct traffic in this Municipality.
- (B) To aid in control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) In cases which render it impractical for members of the regular police force to perform normal and regular duties, the Chief is authorized to assign auxiliary policemen to perform such normal and regular duties.
- (E) To be conservators of the peace.

Identification worn by such auxiliary policemen shall be different and distinct from those used by regular police. Such auxiliary policemen shall at all times be subject to the direction and control of Chief of Police and that they be subject to all rules and regulations of the department.

Such auxiliary policemen shall not carry firearms, except with the consent of Chief of Police and while in uniform and on duty.

**30-3-4 ARMS TRAINING.** Auxiliary policemen prior to entering upon their duties shall receive a course of training in use of weapons and other police procedures as shall be determined from time to time by the Mayor with consent of Council.

No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. (See Section 30-3-10)

**30-3-5 POLICE MATRONS.** The Mayor with the advice and consent of the City Council may appoint **one (1)** or more police matrons for a term of **one (1) year** as is deemed necessary. Prior to entering any duties, such matron shall receive a course of training in weapons and other police procedure as shall be determined from time to time by the Mayor with the consent of the Council.

**30-3-6 OATH - BOND.** Each policemen shall, before entering upon the duties of his office, take and subscribe the oath provided by law for City officers and give a bond to City in the sum of **One Thousand Dollars (\$1,000.00)**, with such sureties as the City Council shall approve, conditioned for the faithful performance of the duties of the office.



**30-3-7**            **RULES AND REGULATIONS OF POLICE OFFICERS.** The City Council may by resolution enact such rules and regulations for police officers as it deems appropriate.

**30-3-8**            **COMPENSATION.** Auxiliary policemen may receive compensation as may be set from time to time by the appropriation ordinance. (See 65 ILCS 5/3-6-5)

**30-3-9**            **PART-TIME OFFICER.** Is any officer who does not meet the definition of auxiliary police, is a sworn officer with full peace officer powers, but is employed less than full-time. (Ord. No. 92-0-15; 06-08-92)

**30-3-10**           **PART-TIME OFFICER TRAINING.**  
(A)                All police officers, other than those officers who shall be employed on a full-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board.  
(B)                The aforesaid hiring standard, particularly with respect to part-time police officers employed by the City shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute. (Ord. No. 2011-0-04; 05-09-11) (See 65 ILCS 5/3.1-30-21)

**30-3-11**           **COMPENSATION.** Part-time police officers shall receive compensation as set from time to time by the appropriation ordinance and regulations governing part-time employees. (Ord. No. 92-0-15; 06-08-92)

**ARTICLE IV - EMERGENCY MANAGEMENT AGENCY (EMA)****30-4-1      POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal **emergency management agency**;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS 5/11-1-6**); and
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

**30-4-2      LIMITATIONS. Nothing in this Code shall be construed to:**

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

**30-4-3      DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:**

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

(G) All references to the Emergency Management Agency shall mean the "Emergency Management Agency and Office of Homeland Security" or E.M.A.-OHS.

#### **30-4-4 EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an **Emergency Management Agency** and a Coordinator of the **Emergency Management Agency**, herein called the "Coordinator", who shall be the head thereof. The Coordinator shall be appointed by the Mayor with the advice and consent of the Council. He shall serve at the pleasure of the Mayor.

(B) The **Emergency Management Agency** shall obtain, with Council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The Coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal **Emergency Management Agency**, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the Coordinator, the Mayor or any persons designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code.

(D) The Municipal **Emergency Management Agency** shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal **Emergency Management Agency** shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal **Emergency Management Agency** shall:

- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois **Emergency Management Agency**;

- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
  - (a) The establishment of an emergency operating center;
  - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

**30-4-5****EMERGENCY MANAGEMENT POWERS OF THE MAYOR.**

(A) The Mayor shall have the general direction and control of the **Emergency Management Agency** and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan, and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
  - (a) Prevention and minimization of injury and damage caused by disaster;
  - (b) Prompt and effective response to disaster;
  - (c) Emergency relief;
  - (d) Identification of areas particularly vulnerable to disasters;
  - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
  - (f) Assistance to local officials in designing local emergency action plans;
  - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
  - (h) Organization of municipal manpower and chains of command;
  - (i) Coordination of local emergency management activities;
  - (j) Other necessary matters.

- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the **Emergency Management Agency** as its office.

### **30-4-6      FINANCING.**

(A) It is the intent of the City Council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the City Council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the City Council for the purpose of enacting ordinances as the City Council may deem necessary to transfer and expend monies appropriated for other purposes or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the City Council is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the City Council can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

### **30-4-7      LOCAL DISASTER EMERGENCIES.**

(A) A local disaster emergency may be declared only by the Mayor or City Council. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the City Council meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

**30-4-8**        **TESTING OF DISASTER WARNING DEVICES.** The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning.

**30-4-9**        **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.** The coordinator for emergency management operations may, in collaboration with other public agencies within his/her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-4-10**       **COMMUNICATIONS.** The local **Emergency Management Agency** shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

**30-4-11**       **IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

**30-4-12**       **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

**30-4-13**       **APPROPRIATIONS AND LEVY OF TAX.** The City Council may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The City Council may also levy for emergency management operations a tax not to exceed .05% of the full, fair

cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

**30-4-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.**

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its City Council, may accept such offer and upon such acceptance the Mayor or the City Council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

**30-4-15 ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The **Emergency Management Agency** established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois **Emergency Management Agency Act**. The local **Emergency Management Agency** shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State **Emergency Management Agency** shall furnish such orders, rules and regulations to the agency.

**30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the **Emergency Management Agency** are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the **Emergency Management Agency**.

**30-4-17 NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his/her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable, therefore.

**30-4-18**      **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the **Emergency Management Agency** shall succeed to the duties and responsibilities of the Mayor.

**30-4-19**      **COMPENSATION.** The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois **Emergency Management Agency** under any provisions of that agency.

**30-4-20**      **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal **Emergency Management Agency**, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal **Emergency Management Agency** before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the **Emergency Management Agency**, and which oath shall be substantially as follows:

“I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the City, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

**30-4-22**      **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**  
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or City Council, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or City Council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

**30-4-23**      **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are thereby declared to be severable.

(See 20 ILCS 3305/1 et seq.)