

Chapter 12

EMERGENCY MANAGEMENT AND SERVICES

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ARTICLE I. IN GENERAL**Sec. 12-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil emergency means 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 or more persons acting together without authority of law, or a natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the village, resulting in 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.

Curfew means 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 village, excepting officials of any governmental unit and persons officially designated to duty with reference to civil emergency.

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human 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, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

Emergency management means the efforts of the state and the village to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

Emergency services means the coordination of functions by the state, the county, and the village, 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 any natural or technological causes.

Mobile support team means a group of individuals designated by the state as a team to train prior to and to be dispatched, if the state so determines, to aid and reinforce the village emergency management efforts in response to a disaster.

Public health emergency means an occurrence or imminent threat of an illness or health condition that is believed to be caused by bioterrorism, the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, a natural disaster, a chemical attack or accidental release, or a nuclear attack or accident, that poses a high probability of a large number of deaths in the affected population, a large number of serious

or long-term disabilities in the affected population, or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

(Code 1981, § 20-1)

Sec. 12-2. Penalties.

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the village and shall be punishable by a fine not to exceed \$500.00.

(Code 1981, § 20-7)

Secs. 12-3—12-22. Reserved.

ARTICLE II. LOCAL AGENCY

Sec. 12-23. Established.

The village has created the village emergency management services department (EMS) to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or man-made disaster, in accordance with the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq. The village EMS shall consist of the coordinator and such additional members as may be selected by the coordinator.

(Code 1981, § 5-2-1)

Sec. 12-24. Coordinator appointment and duties; filling vacancy in office.

The coordinator of the village EMS shall be appointed by the president and shall serve until removed by same. The coordinator shall have direct responsibility for the organization, administration, training and operation of the EMS, subject to the direction and control of the president as provided by state law. In the event of the absence, resignation, death or inability to serve as the coordinator, the president or any person designated by him shall be and act as coordinator until a new appointment is made as provided in this article.

(Code 1981, § 5-2-2)

Sec. 12-25. Agency functions.

The village EMS shall perform such functions within the village as shall be prescribed in and by the state EMS plan and program prepared by the governor, and such orders, rules and regulations as may be promulgated by the governor, and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, village or quasi-village entered into as provided in the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq.

(Code 1981, § 5-2-3)

Sec. 12-26. Service as mobile support team.

(a) All or any members of the village EMS may be designated as members of a mobile support team created by the state as provided by law. The leader of such mobile support team shall be designated by the coordinator of the village EMS organization.

(b) Any member of a mobile support team who is a village employee or officer while serving on call to duty by the state shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the village, while serving, shall receive from the state reasonable compensation as provided by law.

(Code 1981, § 5-2-4)

Sec. 12-27. Agreements with other political subdivisions.

The coordinator of the village EMS may negotiate mutual aid agreements with other municipal corporations or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the president and by the state director.

(Code 1981, § 5-2-5)

Sec. 12-28. Emergency action.

If the governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the village EMS to cooperate fully with the state EMS and with the governor in the exercise of emergency powers as provided by law.

(Code 1981, § 5-2-6)

Sec. 12-29. Compensation.

Members of the EMS who are paid employees or officers of the village, if called for training by the state director of EMS, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not village employees or officers shall receive for such training time such compensation as may be established by the president.

(Code 1981, § 5-2-7)

Sec. 12-30. Reimbursement by state.

The treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the village for expenses incident to training members of the EMS as prescribed by the state director of EMS, compensation for services and expenses of members of a mobile support team while serving outside the village in response to a call by the governor or state director of EMS, as provided by law, and any other reimbursement made by the state incident to EMS activities as provided by law.

(Code 1981, § 5-2-8)

Sec. 12-31. Purchases and expenditures.

(a) The president may, on recommendation of the village coordinator of EMS, authorize any purchase of contracts necessary to place the village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

(b) In the event of enemy-caused or other disaster, the municipal coordinator of EMS is authorized, on behalf of the village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq.; provided, however, that if the village board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

(Code 1981, § 5-2-9)

Sec. 12-32. Oath.

Every person appointed to serve in any capacity in the village EMS organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the coordinator:

"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 as I am affiliated with the Village of Minier EMS organization, 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."

(Code 1981, § 5-2-10)

Sec. 12-33. Office space.

The president is authorized to designate space in a village building, or elsewhere, as may be provided for by the president for the village EMS as its office.

(Code 1981, § 5-2-11)

Sec. 12-34. Appropriation; levy of taxes.

The president may make an appropriation for EMS purposes in the manner provided by law, and may levy in addition, for EMS purposes only, a tax not to exceed \$0.05 per \$100.00

of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq.; provided, however, that the amount collectible under such levy shall in no event exceed \$0.25 per capita.
(Code 1981, § 5-2-12)

Sec. 12-35. Declaration of emergency.

When an emergency, as defined in section 12-1, exists, the president shall declare the existence of same by means of a written declaration setting forth the facts which constitute the emergency.
(Code 1981, § 20-2)

Sec. 12-36. Curfew.

After proclamation of a civil emergency by the president, he may order a general curfew applicable to such geographical areas of the village or the village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.
(Code 1981, § 20-3)

Sec. 12-37. Presidential powers.

After the proclamation of a civil emergency, the president may also, in the interest of public safety and welfare, make any or all of the following orders:

- (1) 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.
- (2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- (3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (5) Issue such other orders as are imminently necessary for the protection of life and property.

(Code 1981, § 20-4)

Sec. 12-38. Period.

The proclamation herein authorized shall be effective for a period of 48 hours unless sooner terminated by a proclamation of the president indicating that the civil emergency no longer exists. The president shall have the power to re-proclaim the existence of a civil emergency at the end of each 48-hour period during the time the civil emergency exists.
(Code 1981, § 20-5)

Sec. 12-39. Notice.

Upon issuing the proclamation herein authorized, the police chief shall notify the news media situated within the village and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the village hall, the police station, and the post office.

(Code 1981, § 20-6)

Sec. 12-40. Construction.

Nothing contained in this chapter 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 village.

(Code 1981, § 20-9)