

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – CIVIL EMERGENCY

30-1-1 **DEFINITIONS.**

“CIVIL EMERGENCY” is hereby defined to be:

(A) 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

(B) Any “natural disaster” or “man-made calamity”, including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City, 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” is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 **DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** of this Article exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

30-1-3 **CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City, or to the City 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.

30-1-4 **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor of the City may also, in the interest of public safety and welfare, make any or all of the following orders:

(A) 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.

(B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

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

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

(E) Issue such other orders as are imminently necessary for the protection of life and property.

30-1-5 **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours**, unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

30-1-6 **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Chief of Police shall notify the news media situated within the City and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

- (A) The City Hall.
- (B) The Post Office.
- (C) The Police Station.

(See 65 ILCS Sec. 5/11-1-6)

ARTICLE II - POLICE DEPARTMENT

DIVISION I - DEPARTMENT ADMINISTRATION

30-2-1 **DEPARTMENT ESTABLISHED.** There is hereby established the Benton Police Department which shall be under the supervision and control of the Department of Public Health and Safety in all areas not under the jurisdiction of the Board of Police and Fire Commissioners.

30-2-2 **ORDER OF RANK.** The order of rank in the Police Department shall be as follows:

- (A) Chief of Police
- (B) Lieutenant
- (C) Investigator Sergeant
- (D) Patrol Sergeant
- (E) Patrolmen

The number of officers filling each rank of classification in the Police Department shall be determined by the Mayor and the City Council. **(Ord. No. 1050; 07-14-80)**

30-2-3 **APPOINTMENTS.** All appointments to or promotions within the Department shall be made by the Board of Fire and Police Commissioners, as provided by law, except for the Chief of Police.

30-2-4 **RANK.** The Chief of Police shall be the head of the Department and have the supervision over all officers and members thereof. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Council.

30-2-5 **RULES AND REGULATIONS.** The Board of Police and Fire Commissioners shall adopt from time to time and have adopted rules and regulations for the government of the police force of the City. These rules and regulations are adopted hereto and by reference are made a part of Rules of Conduct of the employees of the Police Department, whether said employees be under the direct supervision of the Board of Fire and Police Commissioners or civilian employees within the clerical or dispatching departments.

30-2-6 **DUTIES OF THE CHIEF.** The Chief of Police shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the City Council. The Chief shall be responsible for the performance by 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.

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, carried, hour of service and vacation not in conflict with current City personnel policies, and all other similar matters necessary for the efficiency of the Department.

The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the City.

30-2-7 **ENFORCEMENT.** It shall be the duty of the Chief of Police and the Board of Fire and Police Commissioners to enforce the foregoing rules and regulations.

30-2-8 PART-TIME OFFICERS.

(A) **Employment.** The City may employ part-time police officers from time to time as they deem 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 Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. 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 Illinois Law Enforcement Training and Standards Board (ILETSB). Part-time police officers shall not be used as permanent replacements for permanent full-time police officers.

(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) Possess a high school diploma or GED certificate.
- (4) Possess a valid State of Illinois driver's license.
- (5) Possess no prior felony convictions.
- (6) 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. 12-13; 05-14-12)

30-2-9 - 30-2-20 RESERVED.

(See 65 ILCS Sec. 5/11-1-2)

DIVISION II - AUXILIARY POLICE

30-2-21 **APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary 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 policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointment of any or all auxiliary policemen may be terminated by the Mayor, subject to the advice and consent of the City Council.

30-2-22 **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 Franklin County. 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 this 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.

30-2-23 **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) To assist with security at public events as assigned.
- (E) Such auxiliary police officers shall not at any time be, or be deemed or

considered to be, conservators of the peace.

(Ord. No. 09-26; 06-11-07)

30-2-24 **FIREARMS.** Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police of the City, and then only when in uniform and in the performance of their duties.

30-2-25 **TRAINING.** Auxiliary policemen, prior to entering upon any of their duties, shall be thoroughly briefed in the proper performance of such duties, either by the Chief of Police or by a regular member of the City Police Department authorized by him to do so. On-the-job training shall be given each Auxiliary Policeman and all Auxiliary Policemen shall be certified to act as such Auxiliary Policemen until certified capable of acting on his or her own by the Chief of Police of this City. Such training shall be prescribed by and put into effect by the Chief of Police. The Chief of Police shall file with the City Clerk a letter certifying each Auxiliary Policeman to be a successful trainee upon the completion of such training. **(Ord. No. 1182; 06-22-87)**

30-2-26 **COMPENSATION.** Auxiliary policemen shall receive compensation for services performed as provided in the budget. They shall be carried on the liability and workmen's compensation insurance of this City as employees.

30-2-27 **CHAIN OF COMMAND.** The same ranking system now in use by the Civil Defense organization shall be used for the auxiliary police to determine a chain of organization and command within the auxiliary policemen group, subject to the direct control of the Chief of Police, as hereinbefore provided.

30-2-28 **EXPENSES.** The expenses of the auxiliary police shall be paid from the present auxiliary police fund as heretofore appropriated.

30-2-29 **BADGES AND PATCHES.** The City shall furnish, at its own expense, the badges and shoulder patches and other necessary equipment for each auxiliary policeman, properly identifying each man as an auxiliary policeman of the City.

30-2-30 **MULTIPLE MEMBERSHIP.** In the event any auxiliary policeman is also a member of the Emergency Management Agency Unit and his services are needed by the Chief of Police and the EMA Director, then the needs of the call of the Chief of Police shall be adhered to.

(See 65 ILCS Sec. 5/3.1-30-20)

ARTICLE III - FIRE DEPARTMENT

DIVISION I - DEPARTMENT ADMINISTRATION

30-3-1 **DEPARTMENT ESTABLISHED.** There is hereby established the Benton Fire Department which shall be under the supervision and control of the Department of Public Health and Safety in all areas not under the jurisdiction of the Board of Police and Fire Commissioners.

30-3-2 **ORDER OF RANK.** The order of rank of the Fire Department shall be as follows:

- (A) Fire Chief
- (B) Assistant Fire Chief
- (C) Fireman

The number of officers filling each rank of classification in the Fire Department shall be determined by the City Council. **(Ord. No. 1050; 07-14-80)**

30-3-3 **APPOINTMENTS.** All appointments to or promotions within the Department shall be made by the Board of Fire and Police Commissioners, as provided by law, except for the Fire Chief.

30-3-4 **RANK.** The Fire Chief shall be the head of the Department and have supervision over all officers and members thereof. The Fire Chief shall be appointed by the Mayor with the advice and consent of the remaining Council members as provided by law.

30-3-5 **RULES AND REGULATIONS.** The Board of Police and Fire Commissioners shall adopt from time to time, and have adopted rules and regulations for the government of the Fire Force of the City. These rules and regulations are adopted hereto and by reference are made a part of Rules of Conduct of the employees of the Fire Department, whether said employees be under the direct supervision of the Board of Fire and Police Commissioners or civilian employees within the clerical or dispatching departments.

30-3-6 **DUTIES OF CHIEF.** It shall be the duty of the Fire Chief to preside at all meetings of the Department and he shall possess all the powers of a presiding officer of deliberative bodies. He shall have charge of the apparatus and attend to all necessary repairs of the same. He shall have command of the company when on duty.

The Fire Chief 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, carried, hours of service and vacation not in conflict with current City personnel policies, and all other similar matters necessary for the efficiency of the Department.

30-3-7 **ENFORCEMENT.** It shall be the duty of the Fire Chief and the Board of Fire and Police Commissioners to enforce the foregoing rules and regulations.

30-3-8 **OUTSIDE CALLS.** After **December 31, 1996**, out-of-town Fire Department calls shall not be made.

(A) **Definition.** An out-of-town fire call is any call outside the corporate limits of the City, except those calls made to aid or assist another station, company, and/or corporate entity.

(B) This regulation can be modified by an agreement with any political subdivision for said calls and payment agreement. **(Ord. No. 1417; 12-26-95)**

30-3-9 OBSTRUCTION OF AND RESTITUTION TO THE FIRE DEPARTMENT.

(A) **Obstruction of the Fire Chief and/or a Fire Fighter.** No person shall disturb the Fire Chief and/or any firefighter in the discharge of his/her duties. If the Fire Department shall incur any expenses and/or damages due to this disturbance, the person causing the disturbance shall make restitution for any and all expenses and/or damages incurred.

(B) **Restitution.** If the Fire Department shall be called to fight a fire on private property and the Fire Department incurs any expenses, damage to its equipment, or damage to any other public property, the owner and/or person responsible for causing, accelerating, and/or facilitating the fire and/or damage or expenses incurred must make restitution for the expenses and/or damage.

(Ord. No. 99-42; 11-22-99)

30-3-10 NON-RESIDENT SERVICE FEES.

(A) Any operator or owner of a motor vehicle who is a non-resident of the District who receives service from the City Fire Department personnel and City emergency equipment, shall pay a fee of **Two Hundred Fifty Dollars (\$250.00)**.

(B) Any operator or owner of a motor vehicle who is a non-resident of the District who receives service from the City Fire Department personnel, that requires specialty equipment, including, but not limited to, the "jaws of life," shall pay a fee of **Two Thousand Dollars (\$2,000.00)**.

(C) Copies of reports of the providing of the services indicated in paragraph (A) and (B) hereof will be made available by the Fire Department upon payment of **Five Dollars (\$5.00)** for each copy.

(Ord. No. 06-65; 09-25-06)

30-3-11 - 30-3-15 RESERVED.

(See 65 ILCS Sec. 5/11-6-1)

DIVISION II - OFFICERS

30-3-16 **ELECTION.** Pursuant to **Chapter 65 ILCS 5/11-10-2**, officers of the Benton Fire Department shall be elected upon vote by all members of the department who shall also be eligible to hold office, pursuant to the provisions of said **Section 5/11-10-2**.

30-3-17 **TREASURER FISCAL DUTIES.** The officers shall include a Treasurer and adoption of rules and regulations with respect to the Department and the management of money paid to the Treasurer.

(A)

Definitions.

- (1) The term "Department" shall be defined as: the operations of the full-time, active duty personnel employed by the City, while in the performance of their duties as firefighters and Fire Chief; the equipment and assets used by said personnel in the performance of their firefighting duties. The term "Department" shall not include: personnel not on active duty for a period in excess of **ninety (90) days** until such time as said person shall return to active duty; equipment or other assets not inherently involved in the performance of active duties by active duty personnel as herein defined.
- (2) The term "Treasurer" shall be defined in the context of **65 ILCS 5/11-10-2**, and only full-time, active duty personnel employed by the City shall be eligible to hold such position.

(B)

Other Rules and Regulations.

- (1) **Annual Election.** The full-time, active duty personnel shall constitute the Department "Members" and shall hold an election once per calendar year, or otherwise as necessary to fill any vacancy or vote on any matters necessary in the interim. At least **seven (7) days** before any said meeting, there shall be posted conspicuously at the Fire Department Office a notice of meeting, noting the date and time of the meeting and the matters to be considered and/or voted upon at such meeting. The results of said meeting(s) shall be reported by the Fire Chief to the Commissioner of Public Safety.
- (2) **Officers.** The Department shall elect officers. The Fire Chief shall serve as President; the Secretary and the Treasurer shall be selected from the full-time active duty personnel employed by the City. All officers shall serve **one (1) year** terms, except the President, which position shall always be filled by the Fire Chief. The Commissioner of Public Safety shall be an ex officio member of the Department and shall be entitled to attend all meetings of the Department or of the Officers elected hereunder.
- (3) **Accounts.** Any and all accounts held or opened in accordance with or pursuant to this Division shall be required to be reported by the Treasurer to the Commissioner of Public Safety and the Commissioner of Finance on at least a quarterly basis.
- (4) **Minutes.** Minutes of all meetings shall be maintained by the Fire Chief.
- (5) To the extent any terms of this Division shall be inconsistent with other ordinances governing City financial accounts, this Division shall have precedence because and to the extent it is mandated by **65 ILCS 5/11-10-2**.

30-3-18 **BOND REQUIRED.** The Treasurer shall give to the City sufficient bond to be approved by the Mayor conditioned upon the faithful performance of the Treasurer's duties under this Division and the rules adopted hereunder by the Department.

30-3-19 **MONETARY TRANSFERS.** The City Treasurer shall pay over to the Fire Department Treasurer all amounts received from Foreign Fire Insurers paid pursuant to **65 ILCS 5/11-10-1.**

30-3-20 **USE OF FUNDS.** All funds received shall be paid out on order of the Fire Department for maintenance, use, and benefit of the Department.

30-3-21 - 30-3-24 **RESERVED.**

(Ord. No. 2000-01; 01-10-00)

DIVISION III - VOLUNTEER FIREMEN

30-3-25 **MEMBERS APPOINTED.** The Mayor of this City is hereby authorized to appoint **thirty (30)** volunteer firemen as employees, subject to the advice and consent of the City Council. **Ten (10)** of said **thirty (30)** volunteer firemen shall be qualified as certified underwater divers, who shall comprise and make-up the City Volunteer Fire Force Diving Team. The appointments for volunteer firemen as heretofore set out are to be made by the names submitted by the Chief of the Regular Fire Department. Prior to appointment, all proposed volunteer firemen shall be investigated by the Chief of the Fire Department of this City to determine if such proposed volunteer fireman has a criminal record, including, but not limited to crimes of the nature of a felony or other crime involving moral turpitude. The appointment of any such volunteer fireman may be terminated at the request of the Chief of the Fire Department and by the Mayor of this City, subject to the advice and consent of the City Council. **(Ord. No. 1054)**

30-3-26 **REQUIREMENTS.** The volunteer firemen shall not be members of the Regular Fire Department of the City. Volunteer firemen need not be residents of the City. Volunteer firemen shall, at all times during the performance of their duties, be subject to the direction and control of the Fire Chief of this City or such other officer or member of the Regular Fire Department who may be in charge at the time the volunteer member responds to duty. **(Ord. No. 905; 01-28-74)**

30-3-27 **DUTIES.** Volunteer firemen shall have the duty to respond to calls issued by the Fire Chief or other officers of the Fire Department and to aid and assist the Regular Fire Department in the prevention of fires and protection of life and property within the jurisdiction of the City Fire Department. Those members of the Volunteer Fire Force, who qualify as certified underwater divers shall, in addition to the duties heretofore set forth, have the additional duties to support the City Fire Department in search and recovery assignments, and to assist other departments of the City needing underwater skills.

30-3-28 **TRAINING.** Volunteer firemen, prior to entering upon any of their duties, shall be thoroughly trained in the proper performance of such duties by the Fire Chief or other officer or member of the Fire Department. The Fire Chief shall draft and put into effect a course of training for members of the Volunteer Fire Department and shall file with the City Clerk a letter certifying each volunteer fireman to be a successful trainee, upon the completion of such training.

30-3-29 **COMPENSATION.** Members of the Volunteer Fire Department shall receive such compensation or reimbursement as the City Council may direct.

30-3-30 **COMPLIANCE TO REGULATIONS.** The volunteer firemen shall be subject to the rules and regulations of the Fire Department as promulgated by the Fire Chief and approved by the Mayor and City Council.

30-3-31 **MINIMUM AGE REQUIREMENT.** The minimum age for each volunteer fireman shall be **eighteen (18) years.** **(Ord. No. 936; 02-10-75)**

30-3-32 - 30-3-35 **RESERVED.**

DIVISION IV - HAZARDOUS MATERIALS**30-3-36** **DEFINITIONS.**

(A) Hazardous material or hazardous substance means any substance or mixture of substance which is toxic, corrosive, an irritant, strong sensitizer, flammable combustible or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use and also means any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged the Director of the Department of Public Health of the State of Illinois determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the Uniform Hazardous Substances Act of Illinois.

(B) The words toxic, highly toxic, corrosive, irritant, strong sensitizer, flammable, combustible, label, radioactive substance, shall be and they are hereby declared for the purposes of this Division to be defined as now set forth in the Uniform Hazardous Substances Act of Illinois and as hereafter amended. **(Ord. No. 1242; 09-11-89)**

30-3-37 **ABATEMENT OF HAZARDOUS MATERIALS.** The Fire Department is hereby authorized to control and eliminate hazardous materials and hazardous material emergencies. The Fire Department shall have the authority to summarily remove, abate, and remedy all hazardous material emergencies or incidents within or without the corporate limits of the City which are dangerous or prejudicial to public health or public safety. Expenses incurred by the Benton Fire Department shall be the joint and severable liability of the owner or owners of the hazardous material, the owner of the means of transport, and all other persons, firms or corporations having responsibility for or contributing to the hazardous material emergency or incident whether resident or non-resident.

30-3-38 **HAZARD MATERIALS SPECIALIST.** The Fire Chief or his designee is hereby authorized to seek and obtain the services of an independent hazardous material specialist or to seek and obtain the service of a hazardous material specialist associated with the company or companies responsible for the hazardous material emergency or incident. The expenses of removal, abatement, or remedy of a hazardous material emergency or incident shall include but not be limited to charges for all materials used; a charge for all fire-fighting services including equipment and manpower; charges for experts, specialists, or other consultants; and all other charges associated or related to the hazardous material emergency or incident.

30-3-39 **ALLOCATION OF EXPENSES.** The Fire Chief shall ascertain the expenses incurred in removing, abating or remedying the hazardous material emergency or incident and shall notify the responsibility party informing said party that all expenses and charges are due and payable within **thirty (30) days** from date of notice of the charges. Any person, firm or corporation who shall fail or refuse to pay the expenses of removal, abatement, or remedy shall be responsible for all attorney fees, collection costs, and other expenses incurred by the City in effecting collection of the amounts owing. Monies collected hereunder as expenses for removal, abatement or remedy of any hazardous material emergency or incident shall be used by the City to purchase materials, training and programs for controlling and containing hazardous material emergencies and incidents. **(Ord. No. 1242; 09-11-89)**

30-3-40 **CHARGES FOR SERVICES.**

(A) The Fire Department is authorized and directed to respond, immediately upon being notified, and to do all things within its capabilities to contain, remove and dispose of any material hazardous to public hearing and safety that is leaked, spilled or otherwise improperly released within the corporate limits of the City.

(B) Should such response require the services of special personnel and equipment beyond the capabilities of the Fire Department to provide, the Chief of the Fire Department is authorized to obtain or to contract for the services of personnel or equipment sufficient to contain, remove and dispose of such hazardous materials.

(C) The cost incurred for the use of such special personnel and equipment, in addition to the cost of the use of City personnel and equipment, shall be charged to the person, firm or organization, jointly and severally, in possession of, in the process of transporting or otherwise responsible for the containment of any hazardous material spilled, leaked or otherwise improperly released.

(D) The amount of the costs incurred by the City from the use of special personnel and equipment is the amount to be charged the person, firm or organization designated in paragraph (C) hereof. In addition, such person, firm or organization shall be charged for the use of City personnel, equipment and materials as follows:

(1)	Pump Truck	\$300.00 per hour
(2)	Aerial Ladder Truck	\$300.00 per hour
(3)	Special Equipment	\$300.00 per hour
(4)	On Duty Personnel	Regular hourly rate
(5)	Off Duty Personnel Call Back	Regular hourly rate + 50% with 2 hour minimum
(6)	Paid On Call Personnel	\$20.00 per hour
(7)	Materials	Cost of Replacement
(8)	Other Equipment	Regular hourly rate

(Ord. No. 09-22; 05-11-09)

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 Sec. 5/11-1-6**).
- (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.

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 Service and Disaster 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 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 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 and 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 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 **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 hereby declared to be severable.

30-4-18 **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 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.

30-4-19 **SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him 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.

30-4-20 **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.

30-4-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster 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 **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

(See 20 ILCS Sec. 3305/1 et seq.)