

CHAPTER 18

EMERGENCY SERVICES AND DISASTER AGENCY Chapter added

Ordinance 1999-6

.01 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 nuclear weapons or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or manmade causes, and in order to insure that the municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of the City of Fairbury 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 services and disaster agency;
 - (2) To confer upon the mayor the extraordinary power and authority set forth under Sec 11-1-6 of the Illinois Municipal Code (65 Ill. Compiled Stat. 1996, 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 services and disaster 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 the 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 city clerk of Fairbury as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the Fairbury City Council 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 ordinance and the policy of the City of Fairbury that all disaster functions 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.

.02 LIMITATIONS.

Nothing in this Ordinance shall be construed to:

- (a) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Ordinance or other laws may be taken when necessary to forestall or mitigate imminent danger to public health or safety;
- (b) Interfere with the 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 and local cable television services) 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, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state, local, and interjurisdictional disaster emergency 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 municipal 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 ordinance.

03. DEFINITIONS.

As used in this ordinance, unless the context clearly indicates otherwise., the following words and terms shall have the definitions hereinafter ascribed:

- (a) Emergency services means the preparation for and the carrying out of such functions, other than functions for which military forces are responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury. and damage resulting from any natural or technological cause. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air raid 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 the preparation for any carrying out of the foregoing functions.
- (b) Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire; flood, earthquake, wind, storm, hazardous materials spill, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action. "Disaster" includes, but is not limited to, all occurrences and threats thereof which are contemplated by the concept of "emergency services" and "disaster operations."
- (c) Disaster Operations means the functions created in accordance with the provisions of this ordinance to be performed by the City of Fairbury; in cooperation with other political subdivisions to alleviate the effects of disaster.
- (d) Coordinator means the person appointed by the mayor with the duty of carrying out the requirements of this ordinance.
- (e) Political subdivision means any county, city, village, township, or incorporated town.
- (f) United States means the several states and the District of Columbia.

.04 CITY OF FAIRBURY EMERGENCY SERVICES AND DISASTER AGENCY

- (a) There is hereby created an emergency services and disaster agency and a coordinator of the emergency services and disaster 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. The coordinator shall serve at the pleasure of the mayor.
- (b) The city of Fairbury Emergency Services and Disaster Agency shall obtain, with Council approval, such technical, clerical, and other administrative personnel and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this ordinance.
- (c) The coordinator, subject to the direction and control of the mayor, shall be the executive head of the City of Fairbury Emergency Services and Disaster Agency, and shall be responsible under the direction of the mayor. for carrying out the program for emergency services and disaster operations of the City of Fairbury. The coordinator shall coordinate the activities of all organizations for emergency services and disaster operations with the City of Fairbury and shall maintain liaison, and cooperate with, the emergency service and disaster agencies and organization of Livingston County, other counties and municipalities, and 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 the mayor, shall be and act as coordinator until a new appointment is made as provided in this ordinance.

- (d) The City of Fairbury Emergency Services and Disaster 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 City of Fairbury Emergency Services and Disaster Agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.
- (f) The City of Fairbury Emergency Services and Disaster Agency shall:
 - (1) Determine the requirements of the City of Fairbury for food, clothing and other necessities in the event of an emergency;
 - (2) Develop an Emergency Operation Plan (EOP) 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 mobile and construction equipment, and temporary housing 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 ordinance 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 communication system.
 - (9) All other things necessary, incidental, or appropriate for the implementation of this ordinance.

.05 EMERGENCY SERVICES AND DISASTER POWER OF THE MAYOR.

- (a) The mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this ordinance.
- (b) In performing the duties under this ordinance, the mayor is authorized to cooperate with the state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this ordinance.
- (c) In performing the duties under this ordinance, 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 ordinance within the limits of the authority conferred upon him.
 - (2) To cause to be prepared a comprehensive plan and program for the emergency services and disaster preparedness, response, and recovery of the City of Fairbury. The plan and program shall be integrated into and coordinated with disaster plans of the county, state and federal governments and of other political subdivisions. The 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 damage or loss from flood, fire, or other disaster;

- h. Preparation and distribution to the appropriate municipal officials of a municipal catalog of federal, state, and private assistance programs;
- i. Organization of municipal manpower and chains of command;
- j. Coordination of federal, state, county, and local disaster activities;
- k. Other necessary matters.

- (3) In accordance with such plan and program for the emergency services and disaster preparedness, response, and recovery of the City of Fairbury, and out of funds appropriated for such purposes, to procure and preposition supplies, medicine, 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 services and disaster organizations in advance of actual disasters to insure the response 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 the City of Fairbury as may be necessary to ascertain the capabilities of this city for disaster operations and disaster 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 services and disaster agency as its office.

.06 FINANCING.

- (a) It is the intent of the City Council and declared to be the policy of the City of Fairbury 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 funds regularly appropriated to the agency. If the mayor finds the demands place upon these funds in coping with a particular disaster are unreasonably great, the mayor may make application for funds from the county and state disaster relief fund. If moneys available from the funds are insufficient, and if the mayor finds that other sources of money to cope with the disaster are not available or are insufficient, the mayor 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 moneys appropriated for other purposes, or borrow moneys 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 borrowing of such moneys, the mayor is authorized to carry out these 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.

.07 LOCAL DISASTER EMERGENCIES.

- (a) A local disaster emergency may be declared by the mayor or the mayor's interim emergency successor. 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 shall be given prompt and general publicity, and shall be filed promptly with the City Clerk.
- (b) The effect of a declaration of a local emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.
- (c) No interjurisdictional agency or official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and service in accordance with the agreement pursuant to which it functions.
- (d) 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 accordance 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 Act," provided that, if the City Council meets at such time, the mayor shall act subject to the direction and restrictions imposed by that body.

.08 TESTING OF CIVIL DEFENSE AND DISASTER WARNING DEVICES.

The testing of outdoor warning devices shall be held only on the first Tuesday of each month at 10:00 a.m. in the morning.

.09 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS

The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within the 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 assistance in case of disaster too great to be dealt with unassisted, which arrangements shall not, however, be effective unless and until approved by each such political subdivisions, municipal corporation or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved by the state director. Such arrangements shall be consistent with the state emergency management operations plan and program, and in the event of such a disaster as described in Section .03 of this chapter, it shall be the duty of each local and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

.10 COMMUNICATIONS.

The Fairbury Emergency Services and Disaster 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.

.11 IMMUNITY.

Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this chapter or any rule or regulation promulgated pursuant to this chapter is liable for the death 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 they would otherwise be entitled under this chapter, 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 or any such person to receive any benefit or compensation under any act of Congress.

.12 PROFESSIONS, TRADES, AND OCCUPATIONS.

If such disaster as described in Section .03 occurs in the City of Fairbury and the services of persons who are competent to practice any profession, trade, or occupation are required in the City of Fairbury to cope with the disaster situation and it appears that the number of persons licensed or registered in the City of Fairbury 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 the City of Fairbury pursuant to the order of the head of that political subdivision and upon the request of City of Fairbury, or if otherwise requested so to do by the mayor or the coordinator of the City of Fairbury, during the time the disaster condition continues, practice such profession, trade, or occupation in the City of Fairbury without being licensed or registered in the City of Fairbury.

.13 APPROPRIATIONS AND LEVY OF TAXES FOR EMERGENCY SERVICES AND DISASTER OPERATIONS.

The City Council may make appropriations for emergency services and disaster 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 services and disaster operations a tax not to exceed .05 percent 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 levy shall in no event exceed twenty-five cents (\$.25) per capita. The annual tax shall be in addition to and in excess to the amount authorized to be levied for general corporate purposes.

.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 City of Fairbury services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency services and disaster operations, the City of Fairbury, acting through the mayor or through the City Council, may accept such offer and upon acceptance, the mayor of the City Council may authorize any officer of the City of Fairbury to receive such services, equipment, supplies, materials, or funds on behalf of the City of Fairbury.

.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 ordinance in the office of the city clerk. No such rule, regulation, 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, described in Section .07, the provision relating to the effective date of any rule, regulation, order, or amendment issued pursuant to this ordinance 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 city clerk, accompanied by a certificate stating the reason for the emergency.
- (b) The Fairbury Emergency Services and Disaster Agency established pursuant to this ordinance, and the coordinator thereof, shall execute and enforce such order, rules, and regulations as may be made by the Governor under the authority of the Illinois Emergency Management Agency Act. The Fairbury agency shall have available for inspection at its offices all orders, rules, and regulations made by the Governor, or under this authority. The state emergency services and disaster agency shall furnish such orders, rules, and regulations to the agency.

.16 UTILIZATION OF EXISTING AGENCY, FACILITIES, AND PERSONNEL.

In carrying out the provisions of this ordinance, the mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the City of Fairbury 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 of the emergency services and disaster agency.

.17 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect such other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

.18 NO PRIVATE LIABILITY.

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 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.

.19 SUCCESSION.

In the event of the death, absence from the City of Fairbury or other disability of the mayor preventing him

from acting under this ordinance or for any other municipal purpose, and until the office is filled in a manner prescribed by law, the interim emergency successor shall succeed to the duties and responsibilities of the mayor.

.20 COMPENSATION.

- (a) The City Council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other staff and personnel as may be expressly provided for in this 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.
- (b) In the event a disaster emergency is declared under Section .07 of this chapter or by the Governor as provided by law, all salaried municipal employees who serve in a capacity outlined in the City of Fairbury Disaster Plan shall be compensated at an hourly rate equivalent to their normal pay for all time worked over and above the normal 40-hour work week.

.21 EMERGENCY SERVICES AND DISASTER AGENCY PERSONNEL OATH.

Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in a department of the Fairbury Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the person authorized to administer oaths in this municipality, which oath shall be filled with the coordinator on the Fairbury Emergency Services and Disaster 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 or domestic; that I take this obligation freely, without mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter. And I do 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 by force or violence; and that such time I am affiliated with the Fairbury Emergency Service and Disaster Agency and the City of Fairbury, 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 by force or violence.”

.22 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.

Declaration of emergency condition. When, in the judgment of the mayor or City Council, as provided herein in Section .07(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.

.23 PENALTY.

Any person convicted of violating this chapter or any order thereunder shall be punished by a fine not exceeding \$500.00.