

**CHAPTER 9**  
**EMERGENCY AND DISASTER SERVICES**

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**§1-9-1: ESTABLISHMENT:**

There is hereby created the Village of Tower Lakes Office for Emergency and Disaster Services (“EDS”) 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 manmade disaster, in accordance with “The Illinois Emergency Services and Disaster Act of 1975”. This office shall consist of the director and such additional members as may be selected by the director. (Ord. 2002-022, 11-18-2002)

**§1-9-2: DIRECTOR:**

Said director of the Village EDS shall be appointed by the Village President and shall serve until removed by same. The director shall have direct responsibility for the organization, administration, training and operation of such office, subject to the direction and control of the Village President as provided by statute. In the event of the absence, resignation, death or inability to serve as the director, the Village President or any person designated by him or her, shall be and act as director until a new appointment is made as provided in this Chapter. (Ord. 2002-022, 11-18-2002)

**§1-9-3: FUNCTIONS:**

The office for emergency and disaster services (EDS) shall perform such EDS functions within the Village as shall be prescribed in and by the state ESDA 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 other political subdivision, municipality or quasi-municipality entered into as provided by “the State ESDA Act of 1975”. (Ord. 2002-022, 11-18-2002)

**§1-9-4: SERVICE AS MOBILE SUPPORT TEAM:**

All or any members of the EDS office may be designated as members of a mobile support team created by the director of the state ESDA as provided by law. The leader of such mobile support team shall be designated by the coordinator of the Village EDS office. Any member of a mobile support team who is a Village employee or officer while serving on call to duty by the governor, or the state director, 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 so serving, shall receive from the state reasonable compensation as provided by law. (Ord. 2002-022, 11-18-2002)

**§1-9-5: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS:**

The director may negotiate mutual aid agreements with other municipalities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Board of Trustees and by the state director of ESDA. (Ord. 2002-022, 11-18-2002)

**§1-9-6: 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 Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the Village EDS office to cooperate fully with the state ESDA and with the governor in the exercise of emergency powers as provided by law. (Ord. 2002-022, 11-18-2002)

**§1-9-7: COMPENSATION:**

Members of the Village EDS office who are paid employees or officers of the Village, if called for training by the state director of ESDA, 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 such Village employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees. (Ord. 2002-022, 11-18-2002)

**§1-9-8: REIMBURSEMENT BY STATE:**

The Village 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 Village EDS office prescribed by the state director of ESDA, 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 ESDA, as provided by law, and any other reimbursement made by the state incident to EDS activities as provided by law. (Ord. 2002-022, 11-18-2002)

**§1-9-9: PURCHASES AND EXPENDITURES:**

The Village Board of Trustees, on recommendation of the director, may authorize any purchase or 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 manmade or natural disaster.

In the event of enemy caused or other disaster, the director 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 Village contracts or obligations, as authorized by “the State ESDA Act of 1975”; provided, that if the Board of Trustees meets at such time, he shall act subject to the directions and restrictions imposed by that body.

(Ord. 2002-022, 11-18-2002)

**§1-9-10: OATH:**

Every person appointed to serve in any capacity in the Village EDS office shall, before entering upon his duties, subscribe on oath, as required by statute, which oath shall be filed with the Village Clerk. (Ord. 2002-022, 11-18-2002)

**§1-9-11: EMERGENCY/DISASTER PREPAREDNESS PLAN APPROVED:**

That emergency/disaster preparedness plan dated November 18, 2002, which is on file with the Village Clerk and hereby incorporated by reference into this code is hereby approved as a guideline for the Village to prevent, minimize, repair, and alleviate injury or damage resulting from disasters caused by enemy action, sabotage, or other hostile action, or from natural or manmade disaster. (Ord. 2002-022, 11-18-2002)

**§1-9-12: EMERGENCY POWERS OF VILLAGE PRESIDENT:**

(A) Definitions:

Whenever any of the following terms are used in this Chapter, they shall have the meaning indicated.

*CURFEW:* A prohibition against any person or persons being present at or upon any public assembly, building, place, street or highway with the exception of officials of any governmental unit and persons officially designated to duty with reference to a state of emergency duly declared by executive order pursuant to this Chapter.

*STATE OF EMERGENCY:* An occurrence or threat of widespread or severe damage, where extraordinary measures must be taken to protect the public health, safety and welfare from 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 material spill or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot or hostile military or paramilitary action.

(B) State Of Emergency:

1. Whenever a “state of emergency”, as defined in this Chapter exists, all circumstances shall be reported to the Village President. The report shall include the nature of the emergency, the geographic area or areas involved, and the specific remedies requested.
2. The Village President may declare a state of emergency by written executive order containing a statement signed by the Village President, under oath setting forth the following:
  - (a) One or more of the conditions which have been met for the determination of a state of emergency;
  - (b) Facts to substantiate such findings;
  - (c) A description of the nature of the emergency; and
  - (d) Declaration that the state of emergency exists.

This statement must be filed with the Village Clerk as soon as practicable.

3. The Village President may exercise the extraordinary power and authority granted in this Chapter when such a state of emergency exists but not until after signing, under oath, the executive order.

(C) Power and Authority Granted:

Upon declaring a state of emergency, the Village President may:

1. Order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as the Village President deems reasonably necessary to respond to the emergency, and applicable during such hours of the day or night as the Village President deems necessary in the interests of the public safety and welfare;
2. Prohibit the sale of any firearms of any size or description and the sale of ammunition, explosive or other destructive device;
3. Prohibit the intentional possession in public view of any firearm by any person except a duly authorized law enforcement officer or military person active in the official performance of his/her duty;
4. Order the establishment of curfews, including vehicle movement except fire, police, hospital services, utilities vehicles and physicians on emergency cases;
5. Prohibit the sale or distribution of alcoholic beverages, with or without payment, or the possession of any portable container containing any alcoholic beverage by any person in a public place;
6. Order the closing of places of public assemblage;
7. Prohibit the sale or transfer or possession of gasoline or other combustion liquid except for the delivery directly into the tank of a motor vehicle, boat, or other combustion propelled vehicle;

8. Prohibit the possession in a public place of any portable container containing liquid;
9. Issue such other orders as are imminently necessary for the protection of life and property.

(D) Notification:

Upon issuance of the executive order declaring a state of emergency, the appropriate public official shall notify the news media situated within the Village and shall cause two (2) copies of the executive order declaring the existence of the state of emergency to be posted at the Village of Tower Lakes Village hall and the police department.

(E) Duration:

A declaration of 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, unless sooner terminated by proclamation of the Village President indicating that the state of emergency no longer exists.

(F) Violation:

Any person violating any of the provisions of this Chapter, and/or violating any order issued by the Village President pursuant thereto, shall be guilty of a violation of this code, and each day any such violation exists or continues to exist shall be a separate offense.

(Ord. 2002-022, 11-18-2002)