

CHAPTER 1
EMERGENCY SERVICES AND DISASTER AGENCY

- 2-1-1 Establishment
- 2-1-2 Coordinator
- 2-1-3 Functions
- 2-1-4 Service as Mobile Support Team
- 2-1-5 Agreements with Other Political Subdivisions
- 2-1-6 Emergency Action
- 2-1-7 Declaration of Emergency
- 2-1-8 Compensation
- 2-1-9 Reimbursement by State
- 2-1-10 Purchases and Expenditures
- 2-1-11 Oath
- 2-1-12 Office Space
- 2-1-13 Appropriation, Levy of Taxes
- 2-1-14 Local State of Emergency

2-1-1 ESTABLISHMENT

There is hereby created the Hebron Emergency Services and Disaster Agency (ESDA) to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or man-made disaster, in accordance with the "Illinois Emergency Services and Disaster Act of 1975".¹

This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

2-1-2 COORDINATOR

The Coordinator of the Village ESDA shall be appointed by the Village President and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, 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 Coordinator, the Village President or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

¹ S.H.A. Ch. 127, Secs. 1101 *et seq.*

2-1-3 FUNCTIONS

The Village ESDA shall perform such ESDA 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 any other political subdivision, municipality or quasi-municipality entered into as provided in the "State ESDA Act of 1975."

2-1-4 SERVICE AS MOBILE SUPPORT TEAM

All or any members of the Village ESDA organization 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 ESDA organization.

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 of 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.

2-1-5 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The Coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village President and by the State Director of ESDA.

2-1-6 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 man-made or natural disaster, it shall be the duty of the Village ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law. (*Ord., 3-1-76*)

2-1-7 DECLARATION OF EMERGENCY

- A. A local disaster emergency may be declared only by the Village President. It shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Village Board. Any order or proclamation shall be given prompt and general publicity and shall be filed with the Village Clerk.

The effect of a declaration of a local disaster 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. (*Ord. 391, 5-7-84*)

B. In accordance with and pursuant to the Emergency Interim Executive Succession Act,² the following officers are hereby designated as the emergency interim successors to the office of the Village President in the following order:

1. The Village Trustee with the highest number of years in office;
2. The Village Trustee with the second highest number of years in office;
3. The Village Trustee with the third highest number of years in office;
4. The Village Trustee with the fourth highest number of years in office;
5. The Village Trustee with the fifth highest number of years in office;
6. The Village Trustee with the sixth highest number of years in office;
7. The Chief of Police of the Village;
8. The Fire Chief of the Fire Protection District protecting the Village. (*Ord. 405, 8-5-85*)

C. The emergency interim successor shall exercise the powers and discharge the duties of the office of the Village President until such time as a vacancy which may exist shall be filled in accordance with the law, or until the Village President, or the preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of his office. (*Ord. 391, 5-7-84*)

2-1-8 COMPENSATION

Members of the ESDA 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 Village President.

2-1-9 REIMBURSEMENT BY STATE

The State 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 ESDA as 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

² S.H.A. Ch. 127, sec. 1107 *et seq.*

ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

2-1-10 PURCHASES AND EXPENDITURES

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

In the event of enemy caused or other disaster, the Village Coordinator of ESDA 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 Village President meets at such time, he shall act subject to the directions and restrictions imposed by that body.

2-1-11 OATH

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

"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 times as I am affiliated with the Village of Hebron ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

2-1-12 OFFICE SPACE

The Village President is authorized to designate space in a Village building, or elsewhere, as may be provided for by the Village President for the Village ESDA as its office.

2-1-13 APPROPRIATION, LEVY OF TAXES

The Village President may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents (\$.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the "State ESDA Act of 1975", however, that amount collectable under such levy shall in no event exceed twenty five cents (\$.25) per capita. (*Ord., 3-1-76*)

2-1-14 LOCAL STATE OF EMERGENCY 19-20-979

Whenever an emergency, as is defined in subsection 1 of this section exists, or imminent emergency, the Board of Trustees may activate the President's extraordinary powers, as set forth in this section, with such limitations as the Board of Trustees deems necessary.

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

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

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

B. Declaration: Whenever an emergency, as defined in subsection (1) of this section exists, the President is authorized is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the Village Clerk as soon as practicable after issuance.

C. Curfew Authorized: After the declaration of a Local State of Emergency by the President, the President may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as the President deems reasonable and advisable, and applicable during such hours of the day or night as the President deems necessary in the interest of the public safety and welfare.

- D. Orders Authorized: After the declaration of a Local State of Emergency, the President may also, in the interest of public safety and welfare, and to address these issues caused threatened by the emergency, make take any or all of the following actions by executive order during the Local State of Emergency:
1. All actions reasonably necessary to respond to the emergency;
 2. Approve previous expenditures of the Village for the purpose of continuing the operations of the Village;
 3. Authorize agreements for purchases and contracts that impose a financial obligation on the Village that would otherwise be required to be authorized by the Board of Trustees;
 4. In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency;
 5. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle; and
- E. Duration: The declaration of a Local State of Emergency herein authorized shall be effective for a period of up to thirty (30) days or until the adjournment of the next regular or special meeting of the Board of Trustees, whichever comes first, unless sooner terminated by a declaration of the President, or, his or her interim emergency successor, indicating that the emergency no longer exists. The President or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.
- F. Notice: Upon issuing the declaration of a Local State of Emergency herein authorized, the Village Clerk shall notify the news media situated within the Village, and shall cause at least four copies of the declaration of a Local State of Emergency and any curfew authorized to be posted at the following places within the Village: the Village hall, the police station, the post office, and in the area of any curfew.
- G. Effect on Other Ordinances: Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.