

## CHAPTER 10

### CIVIL DEFENSE AND EMERGENCIES

Art. I In General, Secs. 10-1 - 10 23

Art. II Mayor's Emergency Powers, Secs. 10 24 10 31

#### ARTICLE I. IN GENERAL

\*Editor's- Note Ord. No. 76 77, Secs. 1 12, adopted Dec. 20, 1976, is included herein as superseding former Art. I, Secs 10-1- 10 13, relative to the municipal civil defense organization, derived from Code 1965, Sec. 4.17.

##### **Sec. 10 01. Establishment of ESDA; composition.**

There is hereby created the Kankakee City 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".

This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator. (Ord. No. 76 77, Sec. 1, 12 20 76)

##### **Sec. 10 02. Appointment, general duties of coordinator; inability of coordinator to serve.**

The coordinator of the Kankakee City ESDA shall be appointed by the Mayor 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 Mayor as provided by statute.

In the event of the absence, resignation, death or inability to serve as the coordinator, the Mayor or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this article. (Ord. No. 76 77, Sec. 2, 12 20 76)

##### **Sec. 10 03. General functions of ESDA.**

The Kankakee City ESDA shall perform such ESDA functions within the City 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. (Ord. No. 76 77, Sec. 12 20-76)

##### **Sec. 10 04. Service as mobile support team.**

All or any members of the Kankakee City 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 Kankakee City ESDA organization. Any member of a mobile support team who is a City 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 City, while so serving, shall receive from the state reasonable compensation as provided by law. (Ord. No. 76 7, Sec. 4, 12 20 76)

##### **Sec. 10 05. 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 Mayor and by the state director of ESDA. (Ord. No. 76 77, Sec. 6, 12 20 76)

**Sec. 10 06. 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 Kankakee City ESDA to cooperate fully with the state ESDA and with the governor in the exercise of emergency powers as provided by law. (Ord. No. 78 77, Sec. 6, 12 20 76)

**Sec. 10 07. Compensation of ESDA members.**

Members of the ESDA who are paid employees or officers of the City, 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 City employees or officers shall receive for such training time such compensation as may be established by the Mayor. (Ord. No. 76 77, Sec. 7, 12 20 76)

**Sec. 10 08. Reimbursement by state.**

The state treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the City 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 City 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 ESDA activities as provided by law. (Ord. No. 76 77, Sec. 8, 12 20 76)

**Sec. 10 09. Purchases and expenditures.**

The Mayor may, on recommendation of the City Coordinator of ESDA, authorize any purchase of contracts necessary to place the City 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 City Coordinator of ESDA is authorized, on behalf of the City, 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 City contracts or obligations, as authorized by the State ESDA Act of 1975, provided that if the Mayor meets at such time as he shall act subject to the directions and restrictions imposed by that body. (Ord. No. 76-77, Sec. 9, 12 20 76)

**Sec. 10 10. Oath of ESDA members.**

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

"I.....do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocated the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Kankakee City 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." (Ord. No. 76-77, Sec. 10, 12 20 76)

**Sec. 10 11. Office space for ESDA.**

The Mayor is authorized to designate space in a City building, or elsewhere, as may be provided for by the Mayor for the Kankakee City ESDA as its office. (Ord. No. 76-77, Sec. 11, 12 20 77)

**Sec. 10 12. Appropriation; levy of taxes for ESDA purposes.**

The Mayor 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 (\$0.05) 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 1976; however, that amount collectable under such levy shall in no event exceed twenty five cents (\$0.25) per capita. (Ord. No. 76 77, Sec. 12, 12 20 76)

**Sec. 10 13 10 23. Reserved.**

**ARTICLE II. MAYOR'S EMERGENCY POWERS**

**Sec. 10 24. Definitions.**

For purposes of this article, a "civil emergency" is hereby defined to be:

- (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 (3) or more persons acting together without authority of law or
- (2) Any natural disaster or man made calamity including flood, conflagration, cyclone, tornado, earthquake 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 for purposes of this article, 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. (Ord. of 4-1-68, Sec. 1)

**Sec. 10 25. Written proclamation of emergency.**

When in the judgment of the Mayor, a civil emergency as defined in this article is deemed to exist, he shall forthwith proclaim in writing the existence of same. (Ord. of 4 1 68, Sec. 2)

**Sec. 10 26. 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. (Ord. of 4 1 68, Sec. 3)

**Sec. 10 27. Authority to make certain 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:

- (1) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- (2) Order the discontinuance of the sale of beer by any wholesaler or retailer.
- (3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (4) Order the closing of gasoline stations and other establishments the chief activity of which is the sale distribution or dispensing of liquid flammable or combustible products.
- (5) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (6) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.
- (7) Issue such other orders as are imminently necessary for the protection of life and property. (Ord. of 4 1-68, Sec. 4)

**Sec. 10 28. Time period for proclamation.**

The proclamation authorized in this article 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 proclaim the existence of a civil emergency at the end of each forty eight (48) hour period during the time the civil emergency exists. (Ord. of 4 1 68, Sec. 5)

**Sec. 10 29. Notification to news media of emergency.**

Upon issuing the proclamation authorized in this article, the Chief of Police shall notify the news media situated within the City, and upon such notification shall constitute notice to the public of the existence of the proclamation and the orders therein contained. (Ord. of 4-1-68, Sec. 6)

**Sec. 10 30. Violations.**

Any person violating the provisions of this article or executive order issued pursuant thereto shall be guilty of an offense against the City (Ord. of 4-1-68, Sec. 9)

Any person who violates the Ordinance shall be fined a minimum of Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). Said fine and penalty may be invoked so as provided in Section 36-12 of this Code. (Ord. No. 98-88, Sec. 10-30, 11-2-98)

**Sec. 10 31. Construction.**

Nothing contained in this article shall be construed to impair the powers contained in the Municipal Code of the City, giving powers to the Police and Fire Departments, but shall be construed together with other ordinances for the safety and welfare of the citizens of the City. (Ord. of 4 1 68, Sec. 9)

**INDEX**

**ARTICLE I. IN GENERAL**..... 10  
 Agreements with political subdivisions ESDA..... 10 - 05  
 Appointment duties of ESDA coordinator..... 10 - 02  
 Appropriation: levy of taxes for ESDA purposes..... 10 - 12

Compensation of ESDA members.....	10 - 07
Emergency action ESDA.....	10 - 06
Establishment of ESDA; Composition.....	10 - 01
General functions of ESDA.....	10 - 03
Oath of ESDA members.....	10 - 10
Office space for ESDA.....	10 - 11
Purchases and expenditures for ESDA.....	10 - 09
Reimbursement by state to ESDA.....	10 - 08
Service as mobile support team ESDA.....	10 - 04
<b>ARTICLE II. MAYOR'S EMERGENCY POWERS.....</b>	<b>10</b>
Authority of Mayor to make certain orders ESDA.....	10 - 27
Curfew ESDA.....	10 - 26
Construction .....	10 - 31
Definitions ESDA.....	10 - 24
Notification to news media of emergency ESDA.....	10 - 29
Powers granted ESDA not in conflict with City.....	10
Time period for proclamation ESDA.....	10 - 28
Violations ESDA proclamation.....	10 - 30
Written proclamation of emergency ESDA.....	10 - 25