

CHAPTER 46

EMERGENCIES AND DISASTERS

1. **DEFINITIONS.** As used in this Chapter the following words shall have the following meanings respectively set out for each:

a. **Disaster.** An occurrence or threat of widespread or severe damage, injury or loss of life or property, resulting from any natural or manmade cause including but not limited to fire, flood, earthquake, wind, storm, water contamination, epidemic, air contamination, extended periods of severe and inclement weather, infestation, critical shortage of fuel or energy, explosion, mob action, riot or hostile military or paramilitary action.

b. **Emergency.** A combination of circumstances requiring immediate action to suppress or prevent the spread of disease or to remove imminent danger to persons or property, and includes disasters.

c. **Curfew.** The general prohibition against any person or persons being upon the streets, alleys, ways or public places in the City, or specified parts thereof, or moving from place to place by whatever means, excepting those having a continuing responsibility to the public during the emergency or disaster, and those that may be specifically exempted for a particular purpose by the authority charged with enforcing said prohibition.

2. **DECLARATION OF EMERGENCY.** In the event of the occurrence of facts appearing to constitute an emergency the Mayor, or the City Manager, or any officer of the City lawfully acting in the stead of either if they then not be immediately available, may declare or

Chapter 46

proclaim the existence of such emergency by signing a statement of the existing facts constituting the emergency and at that time, or within a reasonable time thereafter, when circumstances admit, taking oath as to the truth of said statement. Such statement shall be filed with the City Clerk as soon as practicable.

3. **EMERGENCY POWERS.** Upon the proclamation or declaration of an emergency or at anytime during the continuation thereof, to the extent deemed necessary to meet said emergency and to protect and conserve the public health, safety and welfare, the authority responsible for the same shall have the power and authority:

a. To suspend the provisions of any regulatory ordinance or statute prescribing procedures for the conduct of the government or affairs of the City, if strict compliance therewith would prevent, hinder or delay action necessary to cope with the emergency;

b. To utilize all available resources of the City as are reasonably necessary to cope with said emergency;

c. To enforce a curfew throughout the City or any part or parts thereof with such conditions as to application, time or otherwise as deemed necessary, or to control ingress and egress to or from the City, or any part or parts thereof, the movement of persons there within, or the occupation of premises there within;

d. To suspend or limit the sale, dispensing, delivery or transportation of alcoholic liquor, firearms, ammunition, explosives, corrosives, flammables or combustibles;

e. To recommend and enforce evacuation of all or a part of the population of any stricken or threatened area if necessary for the preservation of life or other emergency mitigation, response or recovery, and to prescribe routes, modes of transportation and destination in connection therewith;

- f. To exercise any power or perform any function of the corporate authority of the City;
- g. To close commercial establishments, places of amusement or accommodations, premises licensed to sell alcoholic liquors and other places of public resort;
- h. To control, restrict and regulate the use, sale or distribution of food, fuel, clothing, and other commodities, materials, goods or services;
- i. To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the community and its population.

4. **TERMINATION OF EMERGENCY POWERS.** Said proclamation or declaration and the powers and authority attached thereto shall extend until terminated by the issuing authority, but in no event beyond adjournment of the next regular or special meeting of the Council subsequent to the issuance thereof, except that said limitation shall not prevent issuance of additional proclamations or declarations.

5. **NOTICE.** Upon issuance thereof notice of such proclamation or declaration, or of exercise of any power or authority responsive thereto, shall be as widely disseminated as the conditions of the time admit, but in no event less than communication of the substance thereof by the most direct means then available to such news media as may then be reached, whether by telephone, hand delivery or otherwise, and by posting a copy thereof at the Civic Center or at the place from which the emergency operations are being centrally controlled.

6. **ESDA ESTABLISHED.** There is hereby created and established the City of Decatur Emergency Services and Disaster Agency, in accordance with "The Illinois Emergency Services and Disaster Act of 1975", as amended, said agency to consist of the City Manager who shall serve as coordinator and such additional members as may be selected by the coordinator.

Chapter 46

7. **DUTIES.** The ESDA shall have such duties and powers and perform such functions as are prescribed by law and ordinance.

8. **COORDINATOR.** The coordinator shall be responsible for the organization, administration, training and operations of the ESDA. The City Manager, as coordinator, shall appoint another member of the ESDA or some other individual to serve as coordinator when the City Manager is absent from the City or is unable for any reason to serve as coordinator.

9. **PENALTY.** Any person violating any provision of this ordinance or refusing to obey or respond to any lawful order issued in exercise of any power or authority ordained hereby shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-70, October 31, 2011)

10. **CONSTRUCTION.** Nothing contained herein shall be construed to impair any other power or authority of the City or the departments thereof but shall be construed together therewith and in addition thereto, liberally, to secure, protect, promote and enhance the general public health, safety and welfare.