

**Chapter 9**

**OFFICE OF EMERGENCY MANAGEMENT**

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**Section 9.1ART. Article I. In General.**

NOTE: For State law see Illinois Emergency Management Agency 20 ILCS 3305/1, et seq.  
(Ord. 5700, Renumbered, 05/15/2018; 3694, Amended, 11/07/1994)

**Section 9.1SEC. Office of Emergency Management (OEM)--Establishment; composition.**

Pursuant to the authority granted by the Illinois Emergency Management Agency Act (the "Act"), there is hereby created an Office of Emergency Management (OEM) for the Village. The OEM shall consist of a coordinator, deputy coordinator(s), and additional members to be selected by the coordinator. (Ord. No. 912, § 1; Ord. No. 2060, §§ 1, 2, 3.)

(Ord. 5700, Renumbered, 05/15/2018; 3694, Amended, 11/07/1994)

**Section 9.2. Purpose.**

The purpose of the OEM is to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, other hostile action or natural causes or man-made disasters.

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(Ord. No. 912, § 2; Ord. No. 2060, §§ 1, 8.)  
(Ord. 5700, Amended, 05/15/2018)

### **Section 9.3. Reserved.**

Reserved.

(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.4. Oath.**

Every person appointed to serve in any capacity in the OEM shall, before entering upon his/her duties, subscribe to an oath which shall be filed with the coordinator of the OEM. Such oath shall be as provided for in the Act. (Ord. No. 2060, §§ 1, 2, 7.)

(Ord. 5700, Amended, 05/15/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3694, Amended, 11/07/1994)

### **Section 9.5. Duties--General.**

The OEM shall perform such OEM functions within the municipality as shall be prescribed in the Act and by the Illinois Emergency Management Agency (IEMA) plan and program prepared by the IEMA and such orders, rules and regulations as may be promulgated by the IEMA and Village ordinances, and as directed by the Village Manager. In addition, the OEM shall perform such duties outside the corporate limits of the Village as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or taxing district entered into as provided by the Act or Village ordinance. (Ord. No. 912, § 4; Ord. No. 2060, §§ 1, 3, 4.)

(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.6. Emergency.**

If the Governor declares that a disaster emergency exists in the event of actual enemy attack upon the United States or in the event of a major disaster within the State resulting from enemy sabotage, other hostile action or from natural causes, it shall be the duty of the OEM to cooperate fully with municipal officials, with the State IEMA and the Governor in the exercise of emergency powers, as provided by law. (Ord. No. 912, § 7; Ord. No. 2060, §§ 1, 5.)

(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.7. Coordinator and Deputy Coordinator(s)--Appointment; term; temporary appointments.**

The coordinator and deputy coordinator(s) of the OEM shall be appointed by the Village Manager, and shall serve until a successor shall be appointed or until they are relieved of their duties.

In the event of the absence, resignation, death or inability of the coordinator or deputy coordinator(s) to serve, the Village Manager or any person designated by him shall be and act as coordinator or deputy coordinator(s) until a new appointment is made as provided in this Section. (Ord. No. 912, § 3; Ord. No. 2060, §§ 1, 2.)

(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.8. Duties generally.**

The coordinator of the OEM shall have the direct responsibility for the organization, administration, training and operation of the OEM, subject to the direction and control of the Village Manager and as

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provided by State law and Village ordinances.

The deputy coordinator(s) of the OEM shall have those duties and responsibilities assigned by the coordinator. (Ord. No. 912, § 3; Ord. No. 2060, §§ 1, 2.)  
(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.9. Reserved.**

Reserved. (Ord. No. 912, § 6; Ord. No. 2060, §§ 1, 2, 6.)  
(Ord. 5700, Amended, 05/15/2018; 3694, Amended, 11/07/1994)

### **Section 9.10. Authority to contract and purchase in event of disaster; authorization by Village Council for same.**

In the event of enemy caused or natural disaster, the coordinator is authorized on behalf of the Village, subject to the approval of the Village Manager, to procure such services, supplies, equipment or material as may be necessary for the purposes stated in this section in view of the exigency, without regard to the statutory procedures, Village ordinances or formalities normally prescribed by law pertaining to municipal contracts, purchasing procedures or obligations, as authorized by the Act. However, if the Village Council meets at the time of such disaster, the coordinator's action shall be subject to the directions and restrictions imposed by the Village Council.

The Village Manager or, in his/her absence, the Acting Village Manager, may on recommendation of the coordinator of the OEM, authorize any purchase or contract necessary to place the Village in a position to effectively address any disaster, to protect the public health and safety, to protect property and to provide emergency assistance to victims or employees. (Ord. No. 920, § 1; Ord. No. 2060, §§ 1, 2, 3, 8, 10, 11.)  
(Ord. 5700, Amended, 05/15/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 9.11. through 9.13. Reserved.**

Reserved. (Ord. No. 912, § 5; Ord. No. 2060, §§ 1, 6.)  
(Ord. 5700, Amended, 05/15/2018)

### **Section 9.13ART. Article II. Civil Emergency**

(Ord. 5700, Amended, 05/15/2018)

### **Section 9.14. Short title.**

Sections 9-14 through 9-21, inclusive, of this Code shall be known, and may be cited and referred to for all purposes, as the "Downers Grove Civil Emergency Ordinance" or the "Civil Emergency Ordinance."  
(Ord. No. 1448, § 1.)  
(Ord. 5700, Amended, 05/15/2018)

### **Section 9.15. Definitions.**

For the purposes of this article, the following terms shall have the following respective meanings:  
(a) *State of emergency.*

1. Any riotor disorderly or unlawful assembly by three or more persons which is determined by the Mayor pursuant to Section 9-16 to be substantially characterized by the use of actual force or violence or by a clear and present danger of the use of force and violence against persons or property in the Village or by the clear and present danger of the use of force or violence so as to interfere with the lawful and peaceable

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exercise of rights by persons within the Village or the lawful and peaceable use of property within the Village, or

2. Any natural or man-made calamity within the Village, such as but not limited to flood, fire, cyclone, tornado, earthquake or explosion, or the imminent danger thereof.

(b) *Curfew*. A prohibition declared by the Mayor pursuant to the provisions of this Article against any person or persons (except officials of any governmental authority and other persons expressly authorized by a governmental authority to act with respect to a state of emergency) being upon any alley, street, public highway, parkway, sidewalk, park, playground parking lot, other open private property or open private land adjacent to any of the foregoing within the hours specified by the Mayor in the proclamation or declaration establishing such curfew.

(c) *Alcoholic liquor*. Shall have the meaning set forth in Chapter 3-3.

(d) *Flammable liquid*. Gasoline, kerosene, ether or any other liquid which is flammable, combustible or explosive.

(e) *Firearms and firearm ammunition*. Shall have the respective meanings set forth in the Firearm Owners Identification Card Act, 430 ILCS 65/0.01, et seq. , as the same may from time to time be amended and in force. (Ord. No. 1448, § 1; Ord. No. 2766, § 3.)

(Ord. 5700, Amended, 05/15/2018; 4000, Amended, 01/19/1998)

### **Section 9.16. Declaration of state of emergency.**

Whenever the Mayor shall determine that a state of emergency exists in accordance with the standards of the definition set forth in Section 9-15, the Mayor shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the Village as may be reasonably necessary or appropriate to eliminate or minimize the dangers arising from such state of emergency and for the protection of the health, safety and general welfare of the public; provided, that prior to exercising any such extraordinary power and authority, the Mayor shall have executed under oath a written declaration of emergency containing the following:

(a) A statement of certain facts known to the Mayor, either directly or upon information and belief, which are believed by him to constitute a state of emergency;

(b) An express declaration of a state of emergency pursuant to this Article;

(c) Such further orders and directives as the Mayor may deem necessary or appropriate for the protection of the health, safety and general welfare of the public. (Ord. No. 1448, § 1.)

### **Section 9.17. Publication of declaration of emergency.**

As promptly as practicable after the execution by the Mayor of any declaration of emergency pursuant to the provisions of Section 9-16, such declaration shall be filed with the Village Clerk and published as the Mayor may in his/her discretion direct, and by posting copies thereof at the following locations:

(a) On the outside of the front door of the Village offices;

(b) On the outside of the front door of the main Village police station;

(c) At such other place or places within the Village as the Mayor may in his/her discretion direct.

Nothing contained in this section shall be a condition to any lawful arrest, prosecution or conviction of any person for a violation of any provisions of this Article, provided that the Mayor shall not have arbitrarily or capriciously failed or refused to publish a declaration of emergency in accordance with the provisions hereof. (Ord. No. 1448, § 1.)

(Ord. 5700, Amended, 05/15/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 9.18. Curfew; regulation of certain businesses.**

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Concurrently with the execution of a declaration of emergency under Section 9-16, or at any time after such declaration but prior to the expiration thereof, the Mayor may in his/her sole discretion and in the interest of public safety and welfare make any one or more or all of the following orders:

(a) Order the imposition of a curfew within certain hours specified by the Mayor in the order imposing such curfew;

(b) Order the closing of any business holding a Class A or Class B-2 license for the sale of alcoholic liquor where such sales constitute the major part of the business of the licensee;

(c) Order the discontinuance of sale of alcoholic liquor by any person licensed for such sale under the applicable Village ordinances;

(d) Order the discontinuance of sale, distribution, dispensing or giving away in any manner of any firearms, or firearm ammunition, or both;

(e) Order the discontinuance of sale, distribution or giving away of any flammable liquid, except sales of gasoline or fuel oil delivered directly into a tank permanently affixed to a motor vehicle or a building;

(f) Order such other safeguards and precautions as are, in the opinion of the mayor, necessary or appropriate for the protection of life and property in the Village and for the elimination of such state of emergency. (Ord. No. 1448, § 1; Ord. No. 2766, § 3.)

(Ord. 4852, Amended, 02/20/2007, his to his/her(s))

### **Section 9.19. Expiration of state of emergency.**

A state of emergency may be declared terminated at any time by the Mayor by a written declaration executed by the Mayor and published in the manner provided in Section 9-17 for a declaration of emergency, and in any event a state of emergency shall expire and terminate automatically and without any further act by the Mayor not later than the adjournment of the first regular meeting of the Village Council after execution of the declaration of emergency; provided, however, that the Village Council may from time to time thereafter by motion extend such state of emergency and any orders issued by the Mayor in connection therewith until a time fixed in such motion, but not later than (i) the adjournment of the next succeeding meeting of the Village Council, or (ii) forty-eight hours after the time of such extension whichever shall first occur. (Ord. No. 1448, § 1.)

### **Section 9.20. Violations.**

Any person who violates the provisions of any curfew declared or order made by the Mayor pursuant to the provisions of Section 9-18 shall be guilty of a violation of this Article and shall be subject to fine or imprisonment, or both, as provided in Section 1-15. (Ord. No. 1448, § 1.)

### **Section 9.21. Severability.**

The provisions of this Article are intended to be severable, and if any provision, clause, or section of this Article shall be held to be invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not be deemed to invalidate or impair the enforceability of the remaining provisions of this Article to the extent that a reasonable construction and application thereof can be effected. (Ord. No. 1448, § 1.)

### **Section 9.21ART. Article III. Emergency Interim Succession**

(4038, Enacted, 06/15/1998)

### **Section 9.22. Definition.**

For the purposes of this Article, the term "unavailable" means either that a vacancy in the office

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exists or that the lawful incumbent of the office is absent or otherwise unable to exercise the powers and discharge the duties of the office.

(4038, Enacted, 06/15/1998)

### **Section 9.23. Order of succession.**

(a) *Office of the Mayor.* In the event the Mayor is unavailable to exercise the powers and duties under this Chapter, the powers of the Office of Mayor shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified below:

(1) Mayor Pro Tem

(2) Council Members in seniority based on the number of consecutive years in current office. In the event two or more Council Members have equivalent seniority, the Mayor Pro Tem shall be the Council Member in such group who received the highest number of votes for the current office at the most recent election at which such Council Member participated.

(b) *Office of the Village Manager.* In the event the Village Manager is unavailable to exercise the powers and duties under this Chapter, the powers of the Office of the Village Manager shall be exercised and duties shall be discharged by his/her designated emergency interim successors in the order specified below:

(1) Deputy Village Manager

(2) Village Attorney

(3) Police Chief

(4) Fire Chief

(5) Director of Public Works

(6) Director of Community Development

(7) Finance Director

(Ord. 5700, Amended, 05/15/2018; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4476, Amended, 02/04/2003; 4038, Enacted, 06/15/1998)

### **Section 9.24. Period in which authority may be exercised.**

The emergency interim successor shall exercise the powers and discharge the duties of the office under this Chapter until such time as a vacancy which may exist shall be filled or until the officer or a preceding emergency interim successor again becomes available to exercise the powers and discharge the duties of the office.

(4038, Enacted, 06/15/1998)