

CHAPTER 11
EMERGENCY SERVICES AND DISASTER

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ARTICLE 1 - EMERGENCY SERVICES AND DISTASTER AGENCY

11.1.01. ESTABLISHMENT

There is hereby created and established the local organization for Emergency Services and Disaster for this municipality, to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by hostile action, enemy attack, the explosion of bombs or missiles due to sabotage or other disloyal acts or disasters due to fire, flood, earthquakes, or other natural causes, in accordance with the Illinois Emergency Services and Disaster Act.

The Emergency Services and Disaster Organization shall consist of the Director and such other members as the Director may appoint, provided, however, that the Director shall keep the Mayor informed as to the membership of the organization and the character and status of the Local Emergency Services and Disaster activities.

11.1.02. DIRECTOR

The Director shall have direct responsibility for the organization, administration, training and operation of the local Emergency Services and Disaster Organization, subject to the direction and control of the Mayor as provided by statute.

11.1.03. FUNCTIONS

The local Emergency Services and Disaster Organization shall perform such emergency services and disaster functions with the municipality as shall be prescribed in and by the State Emergency Services and Disaster Agency 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 municipality or quasi-municipality entered into as provided by "The Illinois Emergency Services and Disaster Act".

The local Emergency Services and Disaster Organization shall also, when called upon by the Mayor, take whatever steps that can be taken to prevent, minimize, repair and alleviate injury or damage resulting from any explosion, accident or other event of disastrous extent in the municipality in addition to rendering such service in the event of disaster due to natural causes, hostile action, or explosion of bombs or missiles.

11.1.04. SERVICE AS MOBILE SUPPORT TEAM

All or any member of the municipal Emergency Services and Disaster Organization may be designated as members of a Mobile Support Team created by the State Director of Emergency Services and Disaster as provided by law.

The “leader” of such Mobile Support Team shall be designated by the Director of the municipal Emergency Services and Disaster Organization.

Any member of a Mobile Support Team who is a municipal employee or officer while serving on call to duty by the Governor, 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 municipality, while so serving, shall receive from the State reasonable compensation as provided by law.

11.1.05. AGREEMENTS WITH OTHER MUNICIPALITIES

The Director of the Emergency Services and Disaster Organization may negotiate mutual aid agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the City Council.

11.1.06. EMERGENCY ACTION

If the Governor declares that an emergency services and disaster emergency exists it shall be the duty of the municipal Emergency Services and Disaster Organization to cooperate fully with the State Emergency Services and Disaster Agency and with the Governor in the exercise of emergency powers as provided by law.

11.1.07. COMPENSATION

Members of the Emergency Services and Disaster Organization who are paid employees or officers of the municipality, if called for training by the State Director of the Emergency Services and Disaster Agency 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 municipal employees or officers shall receive for such training time such compensation as may be established by the City Council.

11.1.08. REIMBURSEMENT BY STATE

The Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the municipality for expenses incident to training members of the Emergency Services and Disaster Organization as prescribed by the State Director, compensation for services and expenses of a Mobile Support Team while serving outside the municipality in response to a call by the State Emergency Services and Disaster Agency, and any other reimbursement made by the State incident to emergency services and disaster activities as provided by law.

11.1.09. PURCHASES AND EXPENDITURES

The City Council may, on recommendation of the Municipal Director of Emergency

Services and Disaster, authorize any purchase or contracts necessary to place the municipality in a position to combat effectively any disaster, from natural causes and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster.

In the event of any disaster due to hostile action, or the explosion of bombs or missiles by sabotage or other disloyal acts, or from fire, flood, earthquake or other natural causes, where the disaster has resulted in the Governor declaring an emergency services and disaster to exist in the municipality, or is of such proportion as to amount to such a disaster as would warrant such declaration by the Governor, the local Director of Emergency Services and Disaster is authorized, on behalf of the municipality to procure such services, supplies, equipment or materials as may be necessary to meet the emergency, without regard to the statutory procedures or formalities normally prescribed by law as a necessary prerequisite to incurring an indebtedness against a municipality, as authorized by "The Illinois Emergency Services and Disaster Agency Act;" provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

11.1.10. OATH

Every person appointed to serve in any capacity in the municipal Emergency Services and Disaster Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

"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 time as I am affiliated with the municipal Emergency Services and Disaster Organization, I will not advocate or become a member of any political party or organization that advocates the overthrow of the United States or of this State by force or violence."

11.1.11. APPROPRIATIONS - LEVY OF TAXES

The City Council may make an appropriation for emergency services and disaster purposes, and may levy therefore 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 "Illinois Emergency Services and Disaster Agency Act."

ARTICLE 2 - EMERGENCY ENERGY PLAN

11.2.01. DEFINITIONS

As used in this Chapter 11, Article 2, unless the context otherwise requires:

- A. CONTROL AREA shall mean an electrical system bounded by interconnection (tie-line) metering and telemetry. It controls generation directly to maintain its interchange schedule with other control areas and contributes to frequency regulation of the interconnection.
- B. CONTROL AREA EMERGENCY shall mean that Control Area is at risk of having to shed firm load, having taken or committed to take all feasible mitigating action short of shedding firm load and sales.
- C. CONTROLLED ROTATING INTERRUPTIONS OF ELECTRICAL SERVICE shall mean the implementation of a plan to curtail electric service to firm load customers for a short period of time and rotating this curtailment of electric service through different areas within the electric utility's service territory in a situation where the demand has exceeded or is at significant risk of exceeding the supply of electricity available to the electric utility. The action of an electric utility to interrupt or curtail service to a customer participating in or taking service under an interruptible or curtailable rate is not included in this definition of a "controlled rotating interruption of electric service."
- D. EMERGENCY ENERGY PLAN shall mean the portions of the Emergency load conservation procedures, which immediately precede and include the controlled rotating interruption of electrical service to firm load customers within the City. The emergency energy plan shall include the following steps:
 - 1) A request for emergency help from neighboring utilities;
 - 2) A declaration of a control area emergency;
 - 3) A public appeal for voluntary curtailment of electricity use; and,
 - 4) Implementation of the plan for controlled rotating interruptions of electrical service.
- E. EMERGENCY LOAD CONSERVATION PROCEDURES shall mean a planned course of action developed by an electric utility company to be implemented in emergency situations when the demand for electricity exceeds, or is at least at significant risk of exceeding, the supply of electricity available to the electric utility.

- F. ELECTRIC UTILITY COMPANY or ELECTRIC UTILITY shall mean any person or entity engaged in the business of distributing, transmitting, or otherwise delivering electricity regardless of its source, for use or consumption within the City. This term shall not include any person or entity that delivers electricity to fewer than 50 customers within the City.

11.2.02. SUBMITTAL OF EMERGENCY ENERGY PLAN

- A. Every electric utility company must have adopted an emergency energy plan no later than 30 days after the effective date of this Chapter, or within 30 days after becoming an electric utility company, whichever is later. Every such electric utility company shall submit to the City Manager an emergency energy plan adopted by the company no later than 30 days after the effective date of this Chapter, or within 24 hours of the time the plan is adopted, whichever is later. The electric utility company shall be required to examine and update as needed its emergency energy plan at least annually. The electric utility company shall notify the foregoing public official in writing of any material revisions to its plan and the rationale for said revisions within five (5) business days of the time said revisions are made.
- B. The emergency energy plan shall include, at a minimum, information detailing:
- 1) Circumstances that would require the implementation of the emergency energy plan;
 - 2) Stages of the emergency energy plan;
 - 3) The approximate geographic limits of each outage area provided for in the emergency energy plan;
 - 4) The approximate number of customers within each outage area provided for in the emergency energy plan;
 - 5) The police facilities, fire stations, hospitals, nursing homes, schools, day care centers, senior citizen centers, community health centers, dialysis centers, community mental health centers, correctional facilities, storm water and wastewater treatment or pumping facilities, and water-pumping stations that have been identified by the City and persons on life-support systems that are known to the company, and that could be affected by controlled rotating interruptions of electric service under the emergency energy plan; and
 - 6) The anticipated sequence and duration of intentional interruptions of electric service to each outage area under the emergency energy plan.

11.2.03.

REVIEW OF PLAN

- A. Upon submittal of the emergency energy plan to the City, the City shall review the emergency energy plan in order to determine if the emergency energy plan is complete and to assure appropriate coordination with public health and safety agencies. The City may reject the emergency energy plan if it does not contain all the information required under Section 11.2.02 (B), in which case the City shall notify the electric utility company in writing of said rejection and the reasons therefore. The electric utility company shall thereafter submit a complete emergency energy plan to the City no later than thirty (30) days after such notice is sent by the City.
- B. The City and the electric utility shall work cooperatively to:
 - 1) Identify customers and facilities for which a controlled rotating interruption of electric service would require heightened response by City public health and safety agencies,
 - 2) Mitigate the potential impact of the plan on public health and safety, and
 - 3) Mitigate the potential impact of the plan on the duties of the City's public health and safety agencies.

11.2.04.

IMPLEMENTATION OF EMERGENCY ENERGY PLAN

- A. Whenever an electric utility company determines that it may be necessary to implement a controlled rotating interruption of electrical service due to the demand for electricity exceeding, or being at significant risk of exceeding, the supply of electricity available to the electric utility company, the electric utility company shall do the following:
 - 1) Take appropriate action in preparation for implementing a controlled rotating interruption of electric service and notify the appropriate electric utility company personnel, and
 - 2) Notify the City Manager that the electric utility company shall be implementing its emergency energy plan. The notification shall be made pursuant to a notification procedure approved by the City Manager after consultation with the Mayor and the City Council. The Mayor and the City Council may waive the notice requirement to accommodate exigent circumstances.
- B. Subsequent to providing the notice as required above, an electric utility company shall reasonably and separately advise the designated City officials when it implements each of the steps of the emergency energy plan. Such steps shall include the following:

- 1) A request for emergency help from neighboring utilities;
 - 2) A declaration of a control area emergency;
 - 3) A public appeal for voluntary curtailment of electricity use.
- C. The electric utility company shall give a separate notice to the City Manager immediately upon the determination that there will be a controlled rotating interruption of electric service pursuant to the emergency energy plan. The notification shall include the areas to be interrupted; the sequence and estimated duration of the service outage for each area; and the affected feeders and number of affected customers in each area. Whenever practical, the notification shall be made at least two hours prior to the time of the outages, and in no case shall the notification be made less than 30 minutes prior to the outages, if the company is aware that controlled rotating interruptions may be required.
- D. Notification required by this Section shall be in addition to any notification requirements set forth in any applicable franchise agreement or franchise ordinance, or as may be required by applicable Federal or State law or regulation.

11.2.05. VIOLATIONS; ENFORCEMENT

Any electric utility company that violates this chapter or any rules promulgated thereunder shall be subject to a fine of not less than \$2,500 and not more than \$10,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

The City may apply to any court of competent jurisdiction for an injunction or order to compel the other party to comply with the provisions of this Chapter.

11.2.06. CONSTRUCTION

Nothing in this Ordinance shall be construed to preclude or interfere with the implementation by an electric utility company of measures necessary to assure the provision of adequate, efficient, reliable and environmentally safe, as required by the Illinois Public Utilities Act (220 ILCS 5/1-101 *et seq.*). Nothing set forth in this Chapter 11, Article 2 shall be deemed to modify the terms of any existing franchise agreement or franchise ordinance otherwise applicable to any electric utility company, or to excuse performance required by such agreement or ordinance, or to limit any authority that may be exercised pursuant to such agreement or ordinance, or to limit any remedy that may be available under such agreement or ordinance.

11.2.07.

SEVERABILITY

Should any section, paragraph, sentence, clause, phrase or word of this Article be declared invalid or unconstitutional by a court or agency of competent Jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of the Chapter 11, Article 2, since the same would have been enacted by the Mayor and City Council without the incorporation in this Chapter of any such invalid or unconstitutional word, phrase, sentence, paragraph, or section.