

The leader of such Mobile Support Team shall be designated by the coordinator of the 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 compensation and have the powers, duties, right, 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.

7-1-5. Agreement with other political subdivisions. The coordinator of ESDA may negotiate Mutual Aid agreements with other political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Council and by the State Director of ESDA.

7-1-6. 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 City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

7-1-7. Compensation. 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 Council.

7-1-8. 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 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.

7-1-9. Purchases and expenditures. The Council may, on recommendation of the city coordinator of ESDA, authorized any purchase or 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 Illinois ESDA Act of 1975," provided that if the Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

7-1-10. Oath. Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe 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 part 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 Arcola 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."

7-1-11. Office. The Mayor is authorized to designate space in a building, or elsewhere, as may be provided for by the Council for the City ESDA as its office.

7-1-12. Appropriation; levy of taxes. The Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax of the assessed value of all taxable property in addition to all other taxes, as provided by the "Illinois ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed 25 cents per capita.

ARTICLE II. MAYOR'S EMERGENCY POWERS

7-2-1. Definitions. (a) 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 such force by 3 or more persons acting together without authority of law.

(2) Any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city resulting in the death or injury of person or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(3) Curfew is hereby defined 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 during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

7-2-2. Proclamation by Mayor. When in the judgment of the Mayor a civil emergency as defined herein is deemed to exist he shall forthwith proclaim in writing the existence of same.

7-2-3. Imposition of 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.

7-2-4. Additional regulations. After proclamation of a civil emergency, the Mayor may also in the interest of public safety and welfare make any or all of the following orders:

- (a) Order the closing of all retail liquor stores.
- (b) Order the closing of all taverns.
- (c) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted.
- (d) Order the discontinuance of the sale of beer.

(e) 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.

(f) 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.

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) 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 and/or ammunition.

(i) Issue such other orders as are imminently necessary for the protection of life and property.

7-2-5. Emergency powers. During the period of a declared state of emergency the Mayor shall have the power to invoke any or all of the following provisions:

(1) Alcoholic beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is with a duly designated restricted area.

(2) Weapons. No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the person or property of another.

(3) Incendiary missiles. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb or other incendiary missile.

(4) Restricted areas. No person shall enter any area designated by the Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his duly designated representative, or such person shall prove residence therein.

7-2-6. Time period for proclamation. The proclamation authorized in this article shall expire not later than the adjournment of the first regular meeting of the City Council after the state of emergency is declared unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists.

Should subsequent development so warrant, the Mayor shall have the power to redeclare a civil emergency by following the aforesaid procedure.

7-2-7. Notification to news media of emergency. Upon issuance of an emergency proclamation as herein authorized, the City Clerk shall notify the news media situated within the City of Arcola, and shall cause three copies of said proclamation to be posted, one at the Municipal Building, on in the office of the City Clerk, and one in the public section of the United States post office in the City of Arcola.

7-2-8. Penalty. Any person violating any provision of this article shall be punished as provided for in Section 1-13 of this Code.

ARTICLE III. NATIONAL FLOOD INSURANCE PROGRAM

7-3-1. Permit Requirements.

(a) No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

(b) No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

(c) No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person.

7-3-2. Application. To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person with a fee which shall be determined from time to time by the City Council before the issuance of a permit will be considered.

7-3-3. Review of Applications. The Mayor, herein referred to as the responsible person, is appointed as the “person” responsible for receiving applications and examining the plans and specifications for the proposed construction or development. After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document.

7-3-4. Review—Proposed Development. The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. If the development is proposed for a channel or adjacent area of a stream draining one square mile or more, the applicant must first secure a permit from the Illinois Division of Water Resources, or a letter stating “Permit Not Required.”

7-3-5. Review—Permit Applications. The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage.

7-3-6. Review—Subdivision Proposals. The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.

7-3-7. Water Supply Systems. The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

7-3-8. Sanitary Sewage and Waste Disposal Systems. The responsible person shall require within flood prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

7-3-9. Definitions. Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as

they have in common usage and so as to give this document its most reasonable application.

(a) “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(b) “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) “Flood plain” or “flood prone area” means and land area susceptible to being inundated by water from any source (see definition of “flood”).

(d) “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(e) “Mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of “mobile home” as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).

(f) “Person” includes any individual or group of individuals, corporation partnership, association, or any other entity, including State and local governments and agencies.

(g) “Structure” means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

(h) “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other

structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) an project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(i)“Variance” means a grant of relief by a community from the terms of a flood plain management regulation.

7-3-10. Penalty. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not more than \$500, and each day that any violation shall continue shall constitute a separate offense.

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