

**ORDINANCE 4457**

**AN ORDINANCE AMENDING THE CITY OF MORRIS CODE OF ORDINANCES  
WITH RESPECT TO EMERGENCY DECLARATIONS**

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-1-6 provides for the declaration of a state of emergency and the grant of extraordinary authority to the Mayor by the corporate authorities; and

**WHEREAS**, the Illinois Emergency Management Agency Act, 20 ILCS 3305/11 et seq., further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor; and

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS, ILLINOIS, AS FOLLOWS:**

**SECTION 1.**

That the second paragraph in 2.92.010 (B) of the City Code of Ordinances be and the same is hereby deleted and the following inserted in its place:

This statement shall be filed with the City Clerk as soon as practical. A state of emergency declaration shall expire not later than the adjournment of the first regular meeting of the City Council after the State of Emergency is declared. A subsequent State of Emergency may be declared if necessary.

**SECTION 2.**

That 2.92.040 of the City Code of Ordinances be and the same is hereby amended to include:

- E. All actions reasonably necessary to respond to the emergency;
- F. Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality; and
- G. In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.
- H. 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;
- I. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- J. 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;
- K. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;
- L. To exercise such power and authority as set forth in the Illinois Emergency Management Act (20 ILCS 3305/1.1 et seq.)
- M. To declare a general curfew applicable to such geographical areas of the City, or the City as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest

of public safety and welfare.

**SECTION 3.**

That 2.92.020 of the City Code of Ordinances be and the same is hereby amended to include the following:

- G. Curfew: a prohibition against any person walking, running, loitering, standing or monitoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

**SECTION 4.**

That the City of Morris Code of Ordinances be and the same is hereby amended to include the following:

- 2.92.041 Notice. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the City and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the City: the city hall, the police station, the post office, and in the area of any curfew.
- 2.92.042 Violations. Any person violating the provisions of this Chapter 2.92 or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by penalty provisions of the City code.
- 2.92.043 Effect on other ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police, fire departments, and other departments or agencies, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

**SECTION 5.**

The penalty provision set forth in 2.92.042 shall be in full force and effect upon passage, approval and publication in pamphlet form of this ordinance. The remaining provisions of this ordinance shall be in effect upon its passage and approval.

**SECTION 6. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 7. REPEALER**

All ordinances, resolutions, orders or parts thereof, which conflict with the provisions of this Ordinance, is to the extent of such conflict, hereby repealed.

PASSED AND APPROVED this 6<sup>th</sup> day of July, 2021.

Ayes	<u>8</u>
Nays	<u>0</u>
Pass	<u>0</u>
Absent	<u>0</u>



Christopher D. Brown  
 CHRISTOPHER D. BROWN, Mayor

ATTEST:  
Lori Werden  
 LORI WERDEN, City Clerk

## CHAPTER 2.92. EMERGENCY SERVICES AND DISASTER AGENCY<sup>1</sup>

### 2.92.010. Purpose—Findings.

- A. Because of the possible occurrence of emergencies or disasters of unprecedented size and destructiveness resulting from the explosion of nuclear devices or other means from without, or by means of sabotage or other disloyal actions from within, or from fire, flood, earthquake or other natural, man-made or technological causes, and in order to insure that the city will be prepared to and can adequately deal with any such disaster, preserve the lives and property of the people of this municipality and to protect the public peace, health and safety in the event of such an emergency or disaster, it is found and declared to be necessary:
1. To create a municipal emergency services and disaster agency;
  2. To confer upon the mayor the extraordinary power and authority set forth under Section 11-1-6 of the Illinois Municipal Code (Ill. Rev. Stat. 1981, Ch. 24, § 11-1-6);
  3. To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.
- B. Whenever the mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of the public, the mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until such time that the following standards are met, that as a result of the occurrence of any natural, manmade or technological hazard, that significantly threatens or impacts the health, safety or welfare of the general public, or that significantly threatens or impacts the ability to preserve property, real or personal, within the city or any part thereof. The mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists.
- This statement shall be filed with the city clerk as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the city council or seven days, whichever occurs first, after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.
- C. It is further declared to be the purpose of this chapter and the policy of the city that all disaster functions of this city be coordinated to the maximum extent with the comparable functions of the federal, state and local governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the manpower, resources and facilities for dealing with any disaster that may occur.

(Ord. 2675 § 1, 1987)

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<sup>1</sup>State law reference(s)—Local civil defense organizations, Ill. Rev. Stat. 1973 Ch. 127 § 277.

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## 2.92.020. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- A. *"Coordinator"* means the staff assistant to the mayor with the duty of carrying out the requirements of this chapter.
- B. *"Disaster"* means an occurrence or threat of wide spread or severe damage, injury or loss of life or property resulting from any natural, technological or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, unlawful strike, or hostile military or paramilitary action. "Disaster" includes, but is not limited to, all occurrences and threats thereof which are contemplated by the concept of "emergency services and disaster operations."
- C. *"Disaster operations"* means the functions created in accordance with the provisions of this chapter to be performed by the municipality in cooperation with political subdivisions to alleviate the effects of disaster.
- D. *"Emergency services"* means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other manmade, technological or natural causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.
- E. *"Political subdivision"* means any county, city, village, or incorporated town.
- F. *"United States"* means the several states, the District of Columbia and the Panama Canal Zone.

(Ord. 2675 § 3, 1987)

## 2.92.030. Established—Organization—Powers and duties.

- A. There is created an emergency services and disaster agency and a coordinator of the emergency services and disaster agency, herein called the "coordinator," who shall be the head thereof. The mayor, with the consent of the city council, shall appoint the coordinator of the city ESDA for a term of two years, but in no event shall his term of office exceed the term of office of the mayor.
- B. The City of Morris Emergency Services and Disaster Agency shall obtain, with council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this chapter.
- C. 1. The coordinator, subject to the direction and control of the mayor, shall be the executive head of the city emergency services and disaster agency, and shall be responsible under the direction of the mayor for carrying out the program for emergency services and disaster operations of this municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and disaster agencies and organizations of Grundy County, other counties and municipalities, and the federal and state government.

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2. In the event of absence, resignation, death, or inability to serve by the coordinator, the mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this chapter.
- D. The city emergency services and disaster agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans.
  - E. In the development of local and interjurisdictional disaster plans, the municipal emergency services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.
  - F. The city emergency services and disaster agency shall:
    1. Determine the requirements of the city for food, clothing and other necessities in the event of an emergency;
    2. Promulgate standards and requirements for local and interjurisdictional disaster plans;
    3. Periodically review local and interjurisdictional disaster plans, per Ill. Administrative Rule Title 29; Ch. I; Subchapter b, Part 205;
    4. Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
    5. Establish a register of mobile and construction equipment, and temporary housing available for use in a disaster;
    6. Prepare, for issuance by the mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters;
    7. Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response and recovery;
    8. Initiate and coordinate planning for the establishment of an emergency operating center;
    9. All other things necessary, incidental or appropriate for the implementation of this chapter.

(Ord. 2675 § 4, 1987)

#### **2.92.040. Power of mayor.**

- A. The mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this chapter.
- B. In performing his duties under this chapter, the mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this chapter.
- C. In performing his duties under this chapter, the mayor is further authorized:
  1. To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this chapter within the limits of the authority conferred upon him;
  2. To cause to be prepared a comprehensive plan and program for the emergency services and disaster preparedness, response and recovery of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and of other political subdivisions, and which plan and program may include:

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- a. Prevention and minimization of injury and damage caused by disaster;
  - b. Prompt and effective response to disaster;
  - c. Emergency relief;
  - d. Identification of areas particularly vulnerable to disasters;
  - e. Recommendations for zoning, building and other land use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
  - f. Assistance to local officials in designing local emergency action plans;
  - g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
  - h. Preparation and distribution to the appropriate municipal officials of a municipal catalog of federal, state and private assistance programs;
  - i. Organization of municipal manpower and chains of command;
  - j. Coordination of federal, state and local disaster activities;
  - k. Other necessary matters.
3. In accordance with such plan and program for the emergency services and disaster preparedness, response and recovery of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
  4. Out of funds appropriate for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for disaster operations and disaster preparedness, response and recovery, and to plan for the most efficient emergency use thereof.
- D. The mayor is authorized to designate space in a municipal building or elsewhere for the emergency services and disaster agency as its office.

(Ord. 2675 § 5, 1987)

### **2.92.050. Succession.**

In the event of the death or absence from the city or other disability of the mayor preventing him from acting under this chapter or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency services and disaster agency shall succeed to the duties and responsibilities of the mayor, insofar as emergency services and disaster operations are concerned.

(Ord. 2675 § 19, 1987)

### **2.92.060. Personnel—Compensation.**

The municipal council, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance.

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Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Disaster Agency under any provisions of that agency.

(Ord. 2675 § 20, 1987)

### **2.92.070. Personnel—Oath.**

Each person, whether compensated or uncompensated, who is appointed to serve in any capacity in a department of the city emergency services and disaster agency, shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the city emergency services and disaster agency, and which oath shall be substantially as follows:

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 of 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 ever 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 I am affiliated with the City of Morris Emergency Services and Disaster Agency, 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. 2675 § 21, 1987)

### **2.92.080. Immunity.**

Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this chapter or any rules or regulations promulgated pursuant to this chapter, is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act, under the Workmen's Compensation Act or the Workmen's Occupational Diseases Act, or under any pension law, and this section does not affect the right of any such person to receive any benefits or compensation under any act of Congress.

(Ord. 2675 § 11, 1987)

### **2.92.090. Professions, trades or occupations—Unlicensed.**

If such disaster as is described in Section 2.92.020 occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality, pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested to do so by the mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

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(Ord. 2675 § 12, 1987)

**2.92.100. Use of private property—No private liability.**

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(Ord. 2675 § 18, 1987)

**2.92.110. Funding—Generally.**

- A. It is the intent of the municipal council and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
- B. It is the municipal council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, he may make application for funds from the state disaster relief fund. If moneys available from the Fund are insufficient, and if the mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the municipal council for the purpose of enacting ordinances as the council may deem necessary to transfer and expend moneys appropriated for other purposes, or borrow moneys from the United States Government or other public or private sources. If less than a quorum of the members of the council is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such moneys, the mayor is authorized to carry out those decisions until such time as a quorum of the council can convene.
- C. Nothing contained in this section shall be construed to limit the mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

(Ord. 2675 § 6, 1987)

**2.92.120. Funding—Appropriations.**

The municipal council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision.

(Ord. 2675 § 13, 1987)

**2.92.130. Funding—Authority to accept services, gifts, grants or loans.**

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency services and disaster operations, the municipality, acting through the mayor or through its council, may accept such offer and upon such acceptance the mayor or the council may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

(Ord. 2675 § 14, 1987)

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### **2.92.140. Local disaster emergencies—Declaration.**

- A. A local disaster emergency may be declared only by the mayor or municipal council. If declared by the mayor, it shall not be continued for a period in excess of seven days except by or with the consent of the municipal council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
- B. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.
- C. No interjurisdictional agency or official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions.
- D. During a local disaster emergency, the mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by the Illinois Emergency Services and Disaster Agency Act; provided, that if the municipal council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

(Ord. 2675 § 7, 1987)

### **2.92.150. Testing of civil defense and disaster warning devices.**

The testing of outdoor warning devices shall be held only on the first Tuesday of each month at 10:00 a.m. in the morning.

(Ord. 2675 § 8, 1987)

### **2.92.160. Mutual aid arrangements between political subdivisions.**

The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster assistance in case of disaster too great to be dealt with unassisted, which arrangements shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state emergency services and disaster operations plan and program, and in the event of such a disaster as described in Section 2.92.020, it shall be the duty of each local and interjurisdictional department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

(Ord. 2675 § 9, 1987)

### **2.92.170. Communications.**

The city emergency services and disaster agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing

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these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the mayor as appropriate.

(Ord. 2675 § 10, 1987)

### **2.92.180. Orders, rules and regulations—Filing.**

- A. The mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this chapter in the office of the municipal clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until ten days after such filing; provided, however, that upon the declaration of such a disaster emergency by the mayor as is described in Section 2.92.140, the provision relating to the effective date of any rule, regulation, order or amendment issued pursuant to this chapter, and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the municipal clerk, accompanied by a certificate stating the reason for the emergency.
- B. The city agency for emergency services and disaster operations established pursuant to this chapter, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Services and Disaster Act. The city agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The state emergency services and disaster agency shall furnish such orders, rules and regulations to the agency.

(Ord. 2675 § 15, 1987)

### **2.92.190. Utilization of existing agency, facilities and personnel.**

In carrying out the provisions of this chapter, the mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency services and disaster agency.

(Ord. 2675 § 16, 1987)

### **2.92.200. Limitations of provisions.**

Nothing in this chapter shall be construed to:

- A. Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- B. Interfere with dissemination of news or comment of public affairs; but, any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;
- C. Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state, local and

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interjurisdictional disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

- D. Limit, modify or abridge the authority of the mayor and the municipal council to exercise any other powers vested in them under the constitution, statutes, or common law of this state, independent of or in conjunction with any provisions of this chapter.

(Ord. 2675 § 2, 1987)

**2.92.210. Violation—Penalty.**

Any person convicted of violating this chapter or any order thereunder shall be punished by a fine of not exceeding five hundred dollars.

(Ord. 2675 § 22, 1987)