

Ordinance No. 96-120

**AN ORDINANCE PERTAINING TO THE VILLAGE OF CHATHAM
EMERGENCY SERVICE AND DISASTER AGENCY**

WHEREAS, the Illinois Emergency Management Act, 20 ILCS 3305/1 et seq. provides for local Emergency Service and Disaster Agencies, and sets forth the powers and duties of such agencies, and;

WHEREAS, there exists the possibility of occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring community of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or manmade causes, and in order to insure that the Village of Chatham will be prepared to and will adequately deal with such disasters, preserve the lives and property of the people of the Village of Chatham and protect the public peace, health and safety in the event of such a disaster, and;

WHEREAS, it is the policy of the Village of Chatham to coordinate all disaster functions of the Village of Chatham to the maximum extent with the comparable functions of the County government, including their various departments and agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, COUNTY OF SANGAMON, ILLINOIS, AS FOLLOWS:

SECTION 1: DEFINITIONS

A. **"Emergency Services"** means the coordination of functions by the State and its political subdivision, 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 any natural or technological causes. These functions include, without limitation, fire fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened 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 protecting life or property.

B. **"Disaster"** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.

C. **"Disaster Operations"** means the functions created in accordance with the provisions of this Ordinance to be performed by the Village of Chatham and other political subdivisions to alleviate the effects of disasters.

D. "Coordinator" means the staff assistant to the President of the Village of Chatham with the duty of carrying out the requirements of this Ordinance.

E. "Political Subdivision" means any county, city, village or incorporated town.

F. "United States" means the several states, the District of Columbia, and the possessions thereof.

SECTION 2: LIMITATIONS.

Nothing in this ordinance shall be construed to:

A. Interfere with the course or conduct of a private labor dispute, except that action otherwise authorized by this ordinance or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

B. Interfere with the dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster or emergency;

C. Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or any personnel thereof, when on active duty; but the Village of Chatham Emergency Preparedness Plan shall place reliance upon such forces available for performance of functions related to disaster emergencies;

D. Limit, modify, or abridge the authority of the Village President or the Board of Trustees vested in them under the Constitution, Statutes, or common law of this State or Village, independent of or in conjunction with any provisions of this ordinance.

SECTION 3: ESTABLISHMENT.

A. There is hereby created an agency of the Village of Chatham to known as the Village of Chatham Emergency Service and Disaster Agency ("E.S.D.A.) to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or a man-made disaster, in accordance with the Illinois Emergency Management Act.

B. The Village of Chatham E.S.D.A. created pursuant to this Ordinance supersedes any civil defense agency heretofore created by the Village of Chatham, including the Village of Chatham E.S.D.A. heretofore existing, the powers, functions, personnel and assets of which are hereby transferred to the Village of Chatham E.S.D.A. created hereby.

C. The Village of Chatham E.S.D.A. shall consist of the Coordinator and other such technical, clerical, and other administrative personnel as may be selected by the Coordinator with the approval of the Village President or Village Administrator, and may make such expenditures within their appropriation therefore as may be necessary to carry out the purpose of this ordinance.

D. The Village of Chatham E.S.D.A. shall have jurisdiction over and serve the entire Village of Chatham, Village property not located within the Corporate Limits of the Village, and with the approval of the Village Board of Trustees, any other area which may

decide to contract with the Village of Chatham for emergency services and disaster assistance.

SECTION 4: COORDINATOR.

A. The Coordinator of the Village of Chatham E.S.D.A. shall be appointed by the President of the Village of Chatham with the advice and consent of the Board of Trustees. The Coordinator shall have a term of office of 4 years and until his or her successor is appointed and qualified. The Coordinator established pursuant to this Ordinance shall be appointed after the consolidated election in April, 1997; until that time, the current Coordinator shall remain in office.

B. The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Chatham E.S.D.A. as prescribed in the Village of Chatham Emergency Preparedness Plan subject to the direction and control of the Village President. He shall coordinate the activities of all organizations for emergency service and disaster operations within the area served by the Village of Chatham E.S.D.A. and shall maintain liaison and cooperate with the Emergency Services and Disaster Agency of the County of Sangamon.

C. In the event of the absence, resignation, death, or inability to serve of the Coordinator, the President of the Village of Chatham, or his or her designee, shall be and act as Coordinator until a new appointment is made as provided in the ordinance.

SECTION 5: FUNCTIONS.

The Chatham E.S.D.A. shall:

- A. Prepare and keep current a disaster emergency plan for the Village of Chatham E.S.D.A.
- B. Interrelate with business, labor, industry, agriculture, civic and volunteer organizations and community leaders in the development of such plan.
- C. Prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and offices and of the disaster chain of command.
- D. Cooperate with all other Emergency Services and Disaster Agencies.
- E. Establish, train and maintain such communications unit(s) as may be deemed proper by the Village Board of Trustees.
- F. Establish, train and maintain such other volunteer E.S.D.A. units as may be deemed proper by the Coordinator or Village President to place the Village in a position to promptly and efficiently respond to disaster.
- G. Prepare, for issuance by the Village President or Board of Trustees, resolutions, proclamations, and regulations as necessary or appropriate in coping with disaster.
- H. Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this ordinance and in implementing programs for disaster prevention, preparation, response, and recovery.

I. Do all other things necessary, incidental or appropriate for the implementation of this ordinance.

SECTION 6: LOCAL DISASTER EMERGENCIES.

A. A Local Disaster Emergency may only be declared by the Village President or his or her Interim Successor as defined in the Emergency Interim Executive Succession Act, 5 ILCS 275/1. For purposes of such Act, the interim successors are hereby designated as follows:

First, the Village Trustee with the most seniority on the Village Board;

Second, the Village Trustee with the next most seniority on the Village Board;

Third, the Village Trustee with the third most seniority on the Village Board.

In case two trustees have equal seniority on the Village Board, the identity of the interim successor shall be decided by agreement, or if no agreement can be reached, by lot.

B. A Local Disaster Emergency shall not continue for a period in excess of seven (7) days except by or with consent of the Village Board of Trustees. 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 village clerk.

C. The effect of a Local Disaster Emergency is to activate the response and recovery aspects of the Village of Chatham Emergency Preparedness Plan and to authorize the furnishing of aid and assistance thereunder.

SECTION 7: PURCHASING AND EXPENDITURES.

A. The Board of Trustees may, on the recommendations of the Coordinator, authorize any purchases or contracts necessary to place the village in a position to effectively combat 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 manmade or natural disaster.

SECTION 8: OATH.

A. Every person appointed to serve in any capacity in the Village of Chatham E.S.D.A. shall, before entering upon his or her duties, subscribe to the oath as set forth in the Illinois Emergency Management Act, which oath shall be filed with the Coordinator of Sangamon County.

SECTION 9: TESTING OF DISASTER WARNING DEVICES.

A. The testing of the disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10:00 in the morning.

SECTION 10: AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

A. Whenever the Federal, State, or County governments or any agency or officer thereof or whenever any person, firm or corporation shall offer to the Village of Chatham services, equipment, supplies, material or funds by way of gift or grant for purpose of Emergency Services and Disaster Operations, the Village Board may authorize any officer

of the Village to receive such services, equipment, supplies, materials, or funds on behalf of the Village.

SECTION 11: IMMUNITY.

A. Neither the Village, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operation or disaster activities, while complying with or attempting to comply with this ordinance or any rule or regulation promulgated pursuant to this ordinance 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 the Illinois Emergency Management Agency Act, under the Worker's Compensation Act or the Worker'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.

SECTION 12: COMPENSATION.

A. The Village may, by its annual appropriations ordinance, provide for the payment of the salary of the Coordinator and such other office staff and personnel as may be expressly provided for in this ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provision of this agency.

SECTION 13: EFFECTIVE DATE.

A. This ordinance shall become effective upon its passage and approval as required by law.

PASSED this 26 day of November, 1996.

Linda Kauster
VILLAGE PRESIDENT

ATTEST:

Penny Mooney
Village Clerk

AYES: 6

NAYS: 0

PASSED: 11/26/96

APPROVED: 11/26/96

ABSENT: 0