

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 14- 35

**AN ORDINANCE AMENDING CHAPTER 92 OF THE VILLAGE OF CHATHAM
CODE OF ORDINANCES RELATING TO EMERGENCY SERVICES**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 22 DAY OF JULY, 2014

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 22 day of JULY, 2014

**AN ORDINANCE AMENDING CHAPTER 92 OF THE VILLAGE OF CHATHAM
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*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS AS FOLLOWS:*

SECTION 1: Chapter 92 of the Village of Chatham Code of Ordinances is
deleted in its entirety and replaced with a new Chapter 92, stating as follows:

CHAPTER 92

CHATHAM EMERGENCY MANAGEMENT AGENCY

§ 92.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY SERVICES. 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, mitigate, repair, recover from and alleviate injury and damage resulting from any natural, man-made 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 of incidental to protecting life or property.

DISASTER. An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural, man-made 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.

DISASTER OPERATIONS. The functions created in accordance with the provisions of this chapter to be performed by the village and other political subdivisions to alleviate the effects of disasters.

DIRECTOR. The staff assistant to the President of the Village of Chatham with the duty of carrying out the requirements of this chapter.

POLITICAL SUBDIVISION. Any county, city, village or incorporated town.

UNITED STATES. The several states, the District of Columbia, and the possessions thereof.

§ 92.02 LIMITATIONS.

Nothing in this chapter 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 chapter.

§ 92.03 ESTABLISHMENT.

(A) There is hereby created an agency of the village to be known as the Chatham Emergency Management Agency ("CEMA" or "Chatham EMA") 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. CEMA is an "Emergency Services and Disaster Agency, as defined in the Illinois Emergency Management Act.

(B) CEMA created pursuant to this chapter supersedes the agency formerly known as the Chatham Emergency Services and Disaster Agency, or Chatham E.S.D.A, the powers, functions, personnel and assets of which are hereby transferred to CEMA created hereby.

(C) CEMA shall consist of the Director and other such technical, clerical, and other administrative personnel as may be selected by the Director 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 chapter.

(D) CEMA shall have jurisdiction over and serve the entire village, 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 for emergency services and disaster assistance.

§ 92.04 DIRECTOR.

(A) The Director of CEMA shall be appointed by the President of the village with the advice and consent of the Board of Trustees. The Director shall have a term of office of four years and until his or her successor is appointed and qualified.

(B) The Director shall have direct responsibility for the organization, administration, training of appropriate Village personnel and/or Volunteers and operation of CEMA as prescribed in the Village of Chatham Emergency Operations 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 CEMA and shall maintain liaison and cooperate with the Office of Emergency Management of the County of Sangamon.

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

§ 92.05 FUNCTIONS.

The Chatham EMA shall:

(A) Prepare and keep current an Emergency Operations Plan and Continuity of Government Plan.

(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 Management Agencies and 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 EMA units as may be deemed proper by the Director or Village President to place the village in a position to promptly and efficiently respond to and recover from 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 chapter 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 chapter.

§ 92.06 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 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 declaration is to activate the response and recovery aspects of the Village of Chatham Emergency Operations Plan and to authorize the furnishing of aid and assistance thereunder.

§ 92.07 PURCHASING AND EXPENDITURES.

The Board of Trustees may, on the recommendations of the Director, authorize any purchases or contracts and mutual assistance agreements 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.

§ 92.08 OATH.

Every person appointed to serve in any capacity in CEMA 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 Office of Emergency Management of Sangamon County.

§ 92.09 TESTING OF DISASTER WARNING DEVICES.

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.

§ 92.10 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

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 services, equipment, supplies, material or funds by way of gift or grant for purpose of Emergency Management 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.

§ 92.11 IMMUNITY.

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 chapter or any rule or regulation 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 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.

§ 92.12 COMPENSATION.

The village may, by its annual appropriations ordinance, provide for the payment of the salary of the Director and such other office staff and personnel as may be expressly provided for in this chapter. 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.

92.13 INJURIES TO PERSONS AND PROPERTY.

(A) Pursuant to the Illinois Emergency Management Agency Act, CEMA personnel are deemed employees of the State for purposes of workers' compensation when engaged in official CEMA activities.

(B) The Village hereby declares its policy that if a personal vehicle belonging to a CEMA member is damaged while such the member is participating in CEMA activities and in the absence of intentional misconduct or negligence of such member, the Village will pay for

property damage to such vehicle.

SECTION 2: This Ordinance is effective immediately. The Clerk shall publish this Ordinance in pamphlet form and see to its inclusion in the next update of the Village of Chatham Code of Ordinances.

PASSED this 22 day of July, 2014.

Thomas A. Gray

VILLAGE PRESIDENT

ATTEST:

Pat School

Village Clerk



AYES: 6
NAYS: 0
PASSED: 7-22-14
APPROVED: 7-22-14
ABSENT: 0

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 14- 35, adopted by the President and Board of Trustees of said Village on the 27 day of July, 2014, said Ordinance being entitled:

**AN ORDINANCE AMENDING CHAPTER 92 OF THE VILLAGE OF CHATHAM
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I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 27 day of July, 2014.





Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 7-22, 2014, the corporate authorities of such Village passed and approved Ordinance No. 14- 35 entitled:

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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 14- 35 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 7-22, 2014, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 22 day of July, 2014.

(SEAL)



[Handwritten Signature]
Village Clerk