

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2019-15

**AN ORDINANCE AMENDING TITLE 1,
"ADMINISTRATION," BY ADDING CHAPTER 11,
"EMERGENCY MANAGEMENT AGENCY"**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK
KANE AND DEKALB COUNTIES, ILLINOIS**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, this 5th day of NOVEMBER

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AN ORDINANCE AMENDING TITLE 1, “ADMINISTRATION,” BY ADDING CHAPTER 11, “EMERGENCY MANAGEMENT AGENCY”

WHEREAS, the possibility of the occurrence of natural or human-induced events of significant size and destructiveness in this or in a neighboring municipality and in order to ensure that this Village will be prepared to and will adequately deal with any such disasters, preserve lives and property of the Village and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary; and,

WHEREAS, it is necessary and proactive to create the Emergency Management Agency for the Village of Maple Park; and,

WHEREAS, in times of natural or human-induced events, the Emergency Management Agency will serve as the Agency responsible for responding to an event for the Village of Maple Park; and,

WHEREAS, there is a need for the Village Board to appoint the Police Chief as the Emergency Management Agency Director; and therefore, appoints the Police Chief as the Emergency Management Agency Director: and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Maple Park as follows:

SECTION 1. Recitals. The facts and statements contained in the preamble of the Ordinance are hereby adopted as part of this Ordinance.

SECTION 2. The following chapter shall be added to Title 1, “Administration,” Chapter 11, “Emergency Management Agency,” shall be added to as follows:

TITLE: CHAPTER 11 EMERGENCY MANAGEMENT AGENCY

5-11-1: POLICY AND PROCEDURES:

- A. Because of the possibility of the occurrence of natural or human-induced events of significant size and destructiveness in this or in a neighboring municipality and in order to insure that the Village will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this Village and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:
 - i. To create a municipal Emergency Management Agency (EMA).
 - ii. To confer upon the Village President and extraordinary power and authority set forth under § 11-1-6 of the Illinois Municipal Code (65 Ill. Comp. Stat. 5/11-1-6).

- iii. 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. When it is determined 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 public, the Village President may declare that a state of emergency exists. 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 Village that all emergency management programs of this Village shall be coordinated to the maximum extent with the comparable functions of the federal and state 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 nation's manpower, resources, and facilities for dealing with any disaster that may occur.

11-5-2: LIMITATIONS:

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, internet and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
- C. Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and local emergency operations 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 Village President and the Village Board 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.

11-5-3: DEFINITIONS:

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

CONTINUITY OF OPERATIONS: Planning to ensure the capability exists to continue essential agency functions across a wide range of hazards both in public and private sectors of the community.

DIRECTOR: The Police Chief shall serve as the Emergency Management Agency Director.

DISASTER: An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or human-induced cause, including but not limited to acts of terrorism, fire, flood, earthquake, wind, storm, hazardous materials spill or other environmental contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

EMERGENCY MANAGEMENT: The efforts of this Village to develop, plan, analyze, conduct, implement, and maintain programs for disaster mitigation.

EMERGENCY OPERATIONS PLAN: The written plan of the Village describing the organization, mission, and functions of the government and supporting services for responding to and recovery from disaster.

EMERGENCY SERVICES: 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, or alleviate injury or damage resulting from disasters caused by fire, flood, earthquake, or human-induced causes. These functions include, without limitation, firefighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, and other special weapons defense, evacuation or person 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 protecting life or property.

POLITICAL SUBDIVISION: Any county, city, village, or incorporated town or township if the township is in a county having a population of more than two million (2,000,000).

11-5-4: EMERGENCY MANAGEMENT AGENCY:

- A. There is hereby created an Emergency Management Agency and a Director, who shall be the head thereof. The Director shall be appointed by the Village President with the advice and consent of the Village Administrator. The Director shall serve to advise the Village President, Village Administrator, staff and manage the Emergency Operations Center during a crisis.
- B. The Emergency Management Agency (EMA) shall obtain, with Village Administrator approval, such technical, clerical, and other administrative personnel, and may make such expenditures within their appropriation therefore as may be necessary to carry out the purpose of this chapter.

- C. The Director shall be the executive head of the Emergency Management Agency, and shall be responsible under the direction of the Village Administrator for carrying out the program for emergency services and disaster operations of this Village. He shall coordinate the activities of all organizations for emergency services and disaster operations within this Village and shall maintain liaison, and cooperate with, the civil defense and Emergency Management Agencies and organizations of Kane/DeKalb Counties, other counties and municipalities, and of the Federal and State government. In the event of the absence, resignation, death, or inability to serve of the Director, a person designated by the Police Chief, shall be and act as Director until a new appointment is made as provided in this chapter.
- D. The Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.
- E. In the development of the emergency operations plan, the emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.
- F. The Village Emergency Management Agency is authorized to:
- i. Determine the requirements of the Village for food, clothing, and other necessities in the event of an emergency;
 - ii. Develop an emergency operations plan that meets the standards promulgated by the Illinois Emergency Management Agency;
 - iii. Bi-annually review and revise the local emergency operations plan;
 - iv. Establish a register of persons with types of training and skills in emergency prevention, preparedness, response, and recovery;
 - v. Establish a register of government and private response resources available for use in a disaster;
 - vi. Prepare, for issuance by the Village President, chapters, proclamations, and regulations as necessary or appropriate in coping with disasters;
 - vii. 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;
 - viii. Initiate and coordinate planning for the establishment of an Emergency Operations Center;
 - ix. Do all other things necessary, incidental, or appropriate for the implementation of this chapter;
 - x. Cause to facilitate public warnings, initiate local emergency alert warning system in situations when mass emergency notification is necessary;
 - xi. In accordance with such plan and program for the emergency management of this Village, 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;

- xii. Out of funds appropriated for such purposes, create and distribute such studies and surveys of the industries, resources, and facilities in this municipality as may be necessary to ascertain the capabilities of the Village for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

11-5-5: EMERGENCY SERVICES AND DISASTER POWERS OF THE POLICE CHIEF/DIRECTOR:

- A. The Police Chief/Director shall have the general direction and control of the Emergency Management Agency and shall be responsible for the carrying out of the provisions of this chapter.
- B. In performing his duties under this chapter, the Police Chief/Director 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.
 - i. In performing his duties under this chapter, the Police Chief/Director is further authorized: 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.
- C. The Village Administrator is authorized to designate space in a municipal building or elsewhere for the emergency management agency as its office.

FINANCING:

- A. It is the intent of the Village Board and declared to be the policy of the Village that every effort shall be made to provide funds for disaster emergencies.
- B. It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Village Administrator, finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed a disaster affecting the Village, an application for funds from the state disaster relief fund may be made.
- C. If monies available from the fund are insufficient or unavailable and if the Village Administrator finds that other sources of money to cope with the disaster are not immediately available or are insufficient, it may be deemed necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States

government or other public or private sources to deal with the short-term effects of the disaster. The Village Administrator (or in his/her absence the Village President) is authorized to carry out those decisions until such time as a quorum of the Village Board can convene for a regularly scheduled meeting following the disaster to approve actions for the transfer, expenditure, or loan of such monies.

- D. Nothing contained in this section shall be construed to limit the Village Administrators' authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recover.

11-5-6: LOCAL DISASTER EMERGENCIES:

- A. A local disaster emergency may be declared only by the Village President or the Village Board. If declared by the Village President, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the Village Board. 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.
- B. The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance there under.
- C. During a local disaster emergency, the Village Administrator (or in his/her absence the Village President or President Pro Tem) may suspend the provisions of any Village chapter prescribing procedures for the conduct of Village business, or the orders, if strict compliance with the provisions of any chapter, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act," provided that, if the village board meets at such time, the Village Administrator shall act subject to the directions and restrictions imposed by that body.

11-5-7: TESTING OF DISASTER WARNING DEVICES:

- A. The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10:00 in the morning in accordance with FEMA CPG 1-17 and Illinois 20 ILCS 3305/12.

11-5-8: MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS:

- A. The Director for the Emergency Management Agency 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 response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid 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 and local emergency management operations plan and program, and in the event of such a disaster it shall be the duty of each local department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

11-5-9: COMMUNICATIONS:

- A. The Village Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The Agency shall consider the desirability of supplementing 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. Agency Staff shall make recommendations to the Police Chief as appropriate.

11-5-10: 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 operations or disaster activities, while complying with or attempting to comply with this chapter or any rule 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 Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any law, and this section does not affect the right of any such person to receive any benefits or compensation under any act of Congress.

11-5-11: APPROPRIATIONS AND LEVY OF TAX FOR EMERGENCY SERVICES AND DISASTER OPERATIONS:

- A. The Village Board 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. The Board may also levy for emergency services and disaster operations a tax not to exceed .05 percent of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the Village for the current year. However, the amount collectible under such a levy shall in no event exceed twenty-five cents (\$0.25) per capita. The annual tax shall be in addition to and in

excess of the amount authorized to be levied for general corporate purposes. (65 ILCS 5/8-3-16)

11-5-12: AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS, OR LOANS:

- A. Whenever the Federal or State governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the Village services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency management, the Village, acting through the Village Administrator, may accept such offer and upon such acceptance the Village Administrator may authorize any officer of the Village to receive such services, equipment, supplies, materials, or funds on behalf of the Village.

All documentation associated with services, gifts, grants, or loans will be maintained by the Village in accordance with Illinois State 5 ILCS 160 State Records Act record retention requirements and with Federal record retention requirements.

11-5-13: ORDERS, RULES, AND REGULATIONS:

- A. Upon the declaration of such a disaster emergency by the Village President as is described in Section 11-5-6, 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 village clerk, accompanied by a certificate stating the reason for the emergency.
- B. The Village Emergency Management Agency established pursuant to this chapter, and the director thereof, shall execute and enforce such orders, rules, and regulations as may be made by the governor under authority of the Illinois Emergency Management Agency Act. The Village Emergency Management 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 Management Agency shall furnish such orders, rules, and regulations to the agency.

11-5-14: UTILIZATION OF EXISTING AGENCY, FACILITIES, AND PERSONNEL:

- A. In carrying out the provisions of the chapter, the Village Administrator and the Director of the Emergency Management Agency are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the Village 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 Director and the Emergency Management Agency.

11-5-15: SEVERABILITY:

- A. If any provision of this chapter or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

11-5-16: NO PRIVATE LIABILITY:

- A. 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 or damage to, the property of such person.
- B. Any private person, firm, or corporation and employees and agents of such person, firm, or corporation in the performance of a contract with, and under the direction of, the village under the provisions of this chapter, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.
- C. Any private person, firm, or corporation, and any employee or agency of such person, firm, or corporation, who renders assistance or advice at the request of the village, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in subsection C. shall not apply to any private person, firm, or corporation, or to any employee or agent of such person, firm, or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

11-5-17: COMPENSATION:

- A. The Village Board, by its annual appropriations may provide for the payment of a stipend to the Director as may be expressly provided for in the annual budget approved by the Village Board. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the state of Illinois Emergency Management Agency under any provisions of that agency.

SECTION 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

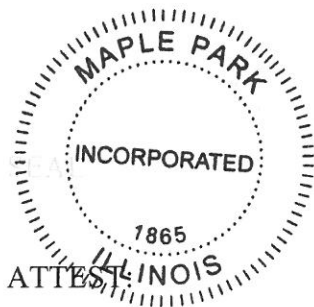
ADOPTED THIS 5th day of November, 2019.

AYES: Dries, Fahnestock, Higgins, Rebone, Ward

NAYS: _____

ABSENT: Harris

APPROVED this 5th day of November, 2019.



Kathleen Curtis
Kathleen Curtis, Village President

Terri D'Amato
Terri D'Amato, Acting Village Clerk

STATE OF ILLINOIS)
)
) SS
COUNTIES OF DEKALB AND KANE)

I further certify that on the 5th day of November 19, the Board of Trustees of the Village of Maple Park passed and approved Ordinance 2019-15, entitled “**AN ORDINANCE AMENDING TITLE 1, “ADMINISTRATION,” BY ADDING CHAPTER 11, “EMERGENCY MANAGEMENT AGENCY.”**”

Dated at Maple Park, Illinois, this 6th day of November, 2019.

Terri D'Amato, Village Clerk
Village of Maple Park
Kane and DeKalb Counties, Illinois

