

CITY OF LeROY

ILLINOIS

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ORDINANCE NO. 203

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.08, CITY ADMINISTRATION,
MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (as amended).

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF LeROY

THIS 2nd DAY OF July, 19 84.

Published in pamphlet form by authority of the
City Council of the City of LeRoy, McLean County,
Illinois, this 2nd day of July,

19 84.

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.08, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (AS AMENDED).

Whereas, the State of Illinois, through its legislature, has determined due to possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this state or in neighboring states 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 man-made causes, that it is necessary to insure that the state will be prepared and will adequately be prepared to and will adequately deal with any such disasters, and in order to preserve the lives and property of people in this state and protect the public peace, health and safety in the event of such a disaster, and

Whereas, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that the possibility of the occurrence of such disasters, either natural or from man-made causes, could result in substantial destruction to property and loss of life affecting the residents of the City of LeRoy,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. Section 3.08, LOCAL CIVIL DEFENSE, of Chapter 3, City Administration, Municipal Code of LeRoy, Illinois 1975 (as amended), and all of its subsections is hereby repealed.

Section 2. New Section 3.08, EMERGENCY SERVICES AND DISASTER AGENCY OF THE CITY OF LEROY, ILLINOIS, is hereby adopted as follows:

a. Policy and Procedures.

(1). Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic devices or by other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality 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 services and disaster agency;

(ii). To confer upon the mayor the extraordinary power and authority set forth under Chapter 24, Paragraph 11-1-6, Illinois Revised Statutes, 1983 (as amended);

(iii). To provide for the rendering of mutual aid to other cities and political subdivisions in the State of Illinois with respect to the carrying out of emergency services and disaster operations.

(2). 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. These extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the mayor of when a state of emergency exists and shall provide that 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 clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(3). It is further declared to be the purpose of this ordinance and the policy of this municipality that all disaster functions of this municipality 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 city's, state's and nation's manpower, resources and facilities for dealing with any disaster that may occur.

(b). Limitations. Nothing in this ordinance shall be construed to:

(1). Interfere with the course of conduct of a private labor dispute, except that actions 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;

(2). 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;

(3). Affect the jurisdiction or responsibilities of police forces, fire-fighting forces, units of armed forces of the United States, or of any personnel thereof, when on active duty; but state, local and interjurisdictional disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(4). Limit, modify or abridge the authority of the mayor and the city 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 ordinance.

(c). Definitions.

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

(1). "Emergency Services" means the preparation for and 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 man-made or natural causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other 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.

(2). "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, oil spill or other water contamination requiring emergency action to avert danger, 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."

(3). "Disaster Operations" means the functions created in accordance with the provisions of this ordinance to be performed by the municipality in cooperation with other political subdivisions to alleviate the effects of disaster.

(4). "Coordinator" means the staff assistant to the mayor with the duty of carrying out the requirements of this ordinance.

(5). "Political Subdivision" means any county, city, village, or incorporated town.

(6). "United States" means the several states, the District of Columbia and the Panama Canal Zone.

(d). City of LeRoy Emergency Services and Disaster Agency.

(1). There is hereby 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 coordinator shall be appointed by the mayor with the advice and consent of the council, and shall serve at the pleasure of the mayor.

(2). The City of LeRoy Emergency Services and Disaster Agency shall obtain, with council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within its appropriation therefor as may be necessary to carry out the purpose of this ordinance.

(3). The coordinator, subject to the direction and control of the mayor, shall be the executive head of the City of LeRoy 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 liason, and cooperate with, the civil defense and disaster agencies and organization of McLean County, other counties and municipalities, and of the federal and state governments.

In the event of the absence, resignation, death or inability to serve of 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 ordinance.

(4). The City of LeRoy Emergency Services and Disaster Agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans.

(5). 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.

(6). The City of LeRoy Emergency Services and Disaster Agency shall:

- (i). Determine the requirements of the City of LeRoy for food, clothing and other necessities in the event of an emergency;
- (ii). Promulgate standards and requirements for local and interjurisdictional disaster plans;
- (iii). Periodically review local and interjurisdictional disaster plans;
- (iv). Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (v). Establish a register of mobile and construction equipment, and temporary housing available for use in a disaster;
- (vi). Prepare, for issuance by the mayor, ordinances, 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 ordinance and in implementing programs for disaster prevention, preparation, response and recovery;
- (viii). Initiate and coordinate planning for:
 - a. The establishment of an emergency operating center;
 - b. The implementation of a 911 system;
- (ix). All other things necessary, incidental or appropriate for the implementation of this ordinance.

(e). Emergency services and disaster power of the mayor.

(1). 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 ordinance.

(2). In performing his duties under this ordinance, 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 ordinance.

(3). In performing his duties under this ordinance, the mayor is further authorized:

- (i). To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this ordinance within the limits of the authority conferred upon him.
- (ii). 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:
 - 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.

(iii). 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.

(iv). Out of funds appropriated 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.

(4). The mayor is authorized to designate space in a municipal building, or elsewhere for the emergency services and disaster agency as its office.

(f). Financing.

(1). It is the intent of the city council and declared to be the policy of this municipality that every effort shall be made to provide funds for disaster emergencies.

(2). It is the city 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 monies 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 city council for the purpose of enacting ordinances as the council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies 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 monies, the mayor is authorized to carry out those decisions until such time as a quorum of the council can convene.

(3). Nothing contained in this section shall be construed to limit the mayor's authority to apply for, administer or expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

(g). Local Disaster Emergencies.

(1). A local disaster emergency may be declared only by the mayor or city council. If declared by the mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the city 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 city clerk.

(2). 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.

(3). 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.

(4). 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 of 1975", provided that, if the city council meets at such time, he shall act subject to the directions and restrictions imposed by the city council.

(h). 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 10:30 a.m. in the morning.

(i). 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 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 3 of this ordinance, 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.

(j). Communications.

The City of LeRoy 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 these communications resources or 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 may be appropriate.

(k). 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 ordinance or any rule or regulations 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 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 person to receive any benefits or compensation under any act of Congress.

(l). Professions, trades and occupations.

If such disaster as is described in Section 3 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 so to do 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.

(m). Appropriations and levy of tax for emergency services and disaster operations.

The city 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. The council may also levy for emergency services and disaster operations a tax not to exceed .05% of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality 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.

(n). 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 and 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.

(o). Orders, rules and regulations.

(1). 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 ordinance in the office of the city clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until ten (10) days after such filing; provided, however, that upon the declaration of such a disaster emergency by the mayor as is described in Section 7, the provision relating to the effective date of any rule, regulation, order or amendment issued pursuant to this ordinance 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 city clerk, accompanied by a certificate stating the reason for the emergency.

(2). The City of LeRoy Emergency Services and Disaster Agency established pursuant to this ordinance, 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 Agency Act of 1975. The City of LeRoy Emergency Services and Disaster 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.

(p). Utilization of existing agency, facilities and personnel.

In carrying out the provisions of this ordinance, 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.

(q). Severability.

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

(r). 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.

(s). Succession.

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

(t). Compensation.

The city 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.

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.

(u). Emergency services and disaster agency personnel oath.

Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in a department of the City of LeRoy 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 of LeRoy 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 or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do now further swear (or affirm) that I do not advocate, nor am I, nor have I 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 LeRoy 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."

(v). Emergency termination or reduction of electrical service.

When in the judgment of the mayor or city council, as provided herein in Section 7(a), a local disaster emergency requires the termination or reduction of electrical service, the mayor or city council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

(w). Penalty.

Any person convicted of violating this ordinance or any order thereunder shall be punished by a fine not exceeding \$500.00.

Section 3. That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

PASSED BY the Mayor and City Council of the City of LeRoy, Illinois, on the 2nd day of July, 1984.

Aldermen elected 6
Aldermen present 6

AYES Patrick Derby, Gary Builta, Jon Winston, Michael Hanafin, Michael Hillard, David King

NAYS None

Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this 2nd day of July, 1984.

Jack Moss
Jack Moss, Mayor of the City of LeRoy, Illinois

ATTEST:

(seal)

Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.08, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (as amended).

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 2nd day of July, 1984, and that a faithful record of said ordinance has been made in the record books.

Dated this 2nd day of July, 1984.

Juanita Dagley
City Clerk

(seal)

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, McLean County, Illinois.

I further certify that on July 2nd, 19 84, the Corporate Authorities of such municipality passed and approved Ordinance No. 203, entitled:

AN ORDINANCE AMENDING CHAPTER 3, SECTION 3.08, CITY ADMINISTRATION, MUNICIPAL CODE OF LEROY, ILLINOIS 1975 (as amended).

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

The pamphlet form of Ordinance No. 203, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 2nd, 19 84, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

' Dated at LeRoy, Illinois, this 2nd day of July, 19 84.

(seal)

Juanita Dagley
Municipal Clerk