

CITY OF LEROY
COUNTY OF MCLEAN
STATE OF ILLINOIS

ORDINANCE NO. 737

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 LE ROY THIS 16th
DAY OF June, 1997.

PRESENTED: June 16, 1997

PASSED: June 16, 1997

APPROVED: June 16, 1997

RECORDED: June 16, 1997

PUBLISHED: June 16, 1997

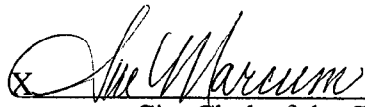
In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)



City Clerk of the City of LeRoy,
McLean County, Illinois

Dated: June 16, 1997.

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

BE IT ORDAINED, by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

Section 1. Section 3.08, EMERGENCY SERVICES AND DISASTER AGENCY OF THE CITY OF LEROY, ILLINOIS, sub-subsection (c). Definitions (4), is hereby repealed and a new sub-subsection (4) is hereby adopted as follows:

"Director/coordinator" means the staff assistant to the mayor with the duty of carrying out the requirements of this ordinance. Throughout this ordinance, wherever the terms "Director" or "Coordinator" shall be used, they shall be construed to be synonymous. The staff assistant to the Mayor shall normally be referred to as the "Emergency Services Disaster Agency Director," or the "E.S.D.A. Director."

Section 2. Section 3.08, EMERGENCY SERVICES AND DISASTER AGENCY OF THE CITY OF LEROY, ILLINOIS, subsection (k). Immunity, is hereby repealed and a new subsection (k) is hereby adopted in words and figures as follows:

The City of LeRoy, the Emergency Services Disaster Agency, and the officers, agents, employees, and representatives of the City of LeRoy, and members of the City of LeRoy Emergency Services Disaster Agency are not liable for the death or any injury to persons or damage to property as a result of their emergency management response or recovery activities done in compliance with this ordinance or in compliance with the Illinois Emergency Services and Disaster Agency Act (as amended) and the rules and regulations promulgated thereunder, except in cases of willful negligence or misconduct. This section does not, however, affect the right of any person to receive benefits to which he or she would otherwise be entitled under the Illinois Emergency Services and Disaster Agency Act, under the Worker's Compensation Act, or under 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 3. Section 3.08, EMERGENCY SERVICES AND DISASTER AGENCY OF THE CITY OF LEROY, ILLINOIS, is hereby amended by addition of new sub-subsection (k-1) in words and figures as follows:

(1). 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 disaster training exercise, together with his or her 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 premises under such license, privilege, or other permission, or for negligently causing loss of, or damage to, the property of such person.

(2). Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, in the performance of a contract with, and under the direction of, the State of Illinois, County of McLean or McLean County E.S.D.A., or the City of LeRoy, or the City of LeRoy E.S.D.A., under the provisions of the Illinois Emergency Services and Disaster Agency Act (as amended), 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.

(3). Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the State of Illinois, County of McLean or McLean County E.S.D.A., or the City of LeRoy or City of LeRoy E.S.D.A., during an actual or impending disaster, 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.

(4). The immunities provided in sub-subsection (3) of this subsection (k-1) 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 therefor.

Section 4. This ordinance shall be in full force and affect from and after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by

Dawn Thompson, seconded by Ryan Miles

, by roll call vote on the 16th day of June, 1997, as follows:

Aldermen elected 6 Aldermen present 6

VOTING AYE: Ryan Miles, Ron Litherland, Dave McClelland, W.H. Weber, Dawn Thompson, Dick Oliver
(full names)

VOTING NAY: None
(full names)

ABSENT, ABSTAIN, OTHER: None
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 16th day of June, 1997.

X Sue Marcum
Sue Marcum, City Clerk of the City of
LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 16th day of June, 1997.

X Robert Rice
Robert Rice, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

X Sue Marcum
Sue Marcum, City Clerk, City of
LeRoy, McLean County, Illinois

CERTIFICATE

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

I further certify that on June 16, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 737, 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. 737, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on June 16, 1997, 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 16th day of June, 1997.

(SEAL)



Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, Sue Marcum, 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).**

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 16th day of June, 1997, and prior to the making of this certificate said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 16th day of June, 1997.

X *Sue Marcum*
City Clerk

(SEAL)