

CHAPTER 34: EMERGENCY MANAGEMENT AGENCY

Section

§34.01	Establishment
§34.02	Coordinator
§34.03	Functions
§34.04	Service as Mobile Support Team
§34.05	Agreements With Other Political Subdivisions
§34.06	Emergency Action
§34.07	Compensation
§34.08	Reimbursement by State
§34.09	Purchases and Expenses
§34.10	Acceptance of Services, Gifts, Grants or Loans
§34.11	Oath
§34.12	Office
§34.13	Appropriation; Levy of Taxes
§34.14	Local State of Emergency

§34.01 ESTABLISHMENT.

In order 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 man-made disaster, in accordance with and under authority of “The Illinois Emergency Management Agency Act,” 20 ILCS 3 305/1 et seq., and the State regulations promulgated thereunder (the “Act”), there is established hereby the Deer Park Emergency Management Agency (the “Village EMA”) which shall be under the jurisdiction and control of the Village President.

§34.02 COORDINATOR.

- (A) The Coordinator of the Village EMA (the “Coordinator”) shall be appointed for an indefinite period of time by the Village President.
- (B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the Village EMA, subject to the direction and control of the Village President, the State EMA, and the Lake County EMA, as provided by the Act.
- (C) In the event of the absence, resignation, death, or inability of the Coordinator to serve as such, the Village President, or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

§34.03 FUNCTIONS.

- (A) The Village EMA and the Coordinator shall perform such functions within the corporate limits of the Village as shall be prescribed by the State Emergency Operations Plan prepared by the State EMA and by local ordinance, and shall execute and enforce the orders, rules and regulations as may be promulgated by the Governor under authority of the Act, and in addition shall perform such duties outside the corporate limits of the Village as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in the Act, or pursuant to any agreement entered into as an exercise of intergovernmental cooperation authorized under the Constitution and laws of the State of Illinois.

- (B) The Village EMA is charged hereby with the responsibility for the preparation, coordination and implementation of a Village Emergency Operations Plan (the “Village EOP”) for its geographic boundaries that complies with planning, review, and approval standards promulgated by the State EMA. The Village EOP shall describe the organization, mission, and functions of the Village government and supporting services for responding to and recovering from disasters. The Village EMA shall prepare and distribute to all appropriate officials a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.
- (C) The Village EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor’s authority.
- (D) The Village EMA may apply to the State EMA for accreditation or to the Lake County EMA for certification, in accordance with the State EMA regulations, 29 Il. Admin. Code Sec. 301, Subpart E.

§34.04 SERVICE AS MOBILE SUPPORT TEAM.

- (A) All or any member of the Village EMA may be designated as members of a mobile support team created by the Director of the State Emergency Management Agency (the “State Director”) as provided by law.
- (B) The leader of the mobile support teams shall be designated by the Coordinator.
- (C) Any member of a mobile support team who is a Village employee or officer, while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law.

§34.05 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The Coordinator may develop or negotiate mutual aid agreements with other municipalities, political subdivisions or taxing districts of the State for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. The mutual aid agreement shall not, however, be effective unless and until approved by each of the political subdivisions. It shall be the duty of the Village EMA to render assistance in accordance with the provisions of the mutual aid agreements. No such agreement shall be effective until it has been approved by the Village President.

§34.06 EMERGENCY ACTION.

- (A) If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of major disaster resulting from enemy sabotage or other hostile actions or from man made or natural disaster, it shall be the duty of the Village EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.
- (B) A local disaster may be declared only by the Village President, or his or her interim emergency successor, as provided in Section 7 of the “Emergency Interim Executive Succession Act.” A declaration of local disaster shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the Village Board of Trustees. An order or proclamation declaring,

continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the Village Clerk. The effect of a declaration of a local disaster is to activate the Village Emergency Operations Plan and to authorize the furnishing of aid and assistance thereunder.

§34.07 COMPENSATION.

Members of the Village EMA who are paid employees or officers of the Village, if called for training by the State Director, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not Village employees or officers shall receive for such training time such compensation as may be established by the Village Board of Trustees.

§34.08 REIMBURSEMENT BY STATE.

The Village Treasurer shall receive and allocate to the appropriate fund any reimbursement by the State to the Village for expenses incident to training members of the Village EMA as prescribed by the State Director, compensation for services and expenses of members of a mobile support team while serving outside the corporate limits of the Village in response to a call by the Governor or State Director, as provided by law, and any other reimbursement made by the State incident to emergency services and disaster agency activities as provided by law.

§34.09 PURCHASES AND EXPENSES.

- (A) The Village President may, on recommendation of the Coordinator, authorize any purchase or contract necessary to place the Village in a position to combat effectively any man-made or natural disaster and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster.
- (B) In the event of man-made or natural disaster, the Coordinator is authorized, on behalf of the Village, to procure such services, supplies, equipment, or materials as may be necessary for such purposes, in view of the exigency, without regard to the procedures or formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property, as authorized by the Act; Provided that, if the Village Board of Trustees meets at that time, the Coordinator shall act subject to the directions and restrictions imposed by that body.

§ 34.10 ACCEPTANCE OF SERVICES, GIFTS, GRANTS OR LOANS.

Whenever the federal or state government or any political subdivision, 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 President may accept such offer and upon such acceptance may authorize an officer of the Village to receive such services, equipment, supplies, materials or funds on behalf of the Village.

§ 34.11 OATH.

Every person appointed to serve in any capacity in the Village EMA shall, before entering upon his or her duties, subscribe to the following oath, which shall be filed with the Coordinator:

“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 of America 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 solemnly swear (or affirm) that I do not advocate, nor am I, nor have I ever been, a member of any political party or organization that advocates the overthrow of the government of the United States of America or of this State by force or violence; and that during such time as I am affiliated with the Village of Deer Park Emergency Management 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 of America or of this State by force or violence.”

§ 34.12 OFFICE.

The Village President is authorized to designate space in a Village building, or elsewhere, for the Village EMA as its office.

§ 34.13 APPROPRIATION; LEVY OF TAXES.

The Village Board of Trustees may make an appropriation for Village EMA purposes in the manner provided by law, and may levy in addition for Village EMA purposes only, a tax not to exceed 0.05% of the full fair cash value, as equalized or assessed by the Lake County Department of Revenue, of all the taxable property in the municipality for the current year, as provided by the Act and the Illinois Municipal Code, 65 ILCS 5/8-3-16; provided, however, that the amount collectible under such levy shall in no event exceed twenty five cents (\$0.25) per capita. The annual tax shall be in addition to the amount authorized to be levied for general corporate purposes.

(Ord. 02-02, passed 4-15-02)

§ 34.14 LOCAL STATE OF EMERGENCY

Whenever an emergency, as is defined in subsection (A) of this section exists, or imminent emergency, the Village Board may activate the President’s extraordinary powers, as set forth in this section, with such limitations as the Village Board deems necessary.

- (A) Definitions: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

EMERGENCY: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the Village, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW: A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village

except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

- (B) Declaration: Whenever an emergency, as defined in subsection (A) of this section exists, the President is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the Village Clerk as soon as practicable after issuance.
- (C) Curfew Authorized: After the declaration of a Local State of Emergency by the President, the President may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as the President deems reasonable and advisable, and applicable during such hours of the day or night as the President deems necessary in the interest of the public safety and welfare.
- (D) Orders Authorized: After the declaration of a Local State of Emergency, the President may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the Local State of Emergency:
 - 1. All actions reasonably necessary to respond to the emergency;
 - 2. Approve previous expenditures of the President for the purpose of continuing the operations of the Village;
 - 3. Authorize agreements for purchases and contracts that impose a financial obligation on the Village that would otherwise be required to be authorized by the Village Board;
 - 4. In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency;
 - 5. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle; and
- (E) Duration: The declaration of a Local State of Emergency herein authorized shall be effective for a period of up to thirty (30) days or until the adjournment of the next regular or special meeting of the Village Board, whichever comes first, unless sooner terminated by a declaration of the President, or, his or her interim emergency successor, indicating that the emergency no longer exists. The President or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.
- (F) Notice: Upon issuing the declaration of a Local State of Emergency herein authorized, the Village Clerk shall notify the news media situated within the Village, and shall cause at least four copies of the declaration of a Local State of Emergency and any curfew authorized to be posted at the following places within the Village: the Village hall, the police station, the post office, and in the area of any curfew.
- (G) Violations: Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by section

10.99 of this Code.

- (H) Effect on Other Ordinances: Nothing contained in this section shall be construed to impair the powers contained in this Code, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.