

AN ORDINANCE AMENDING CHAPTER 7
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Article III, Emergency Management Agency, and Article IV, Emergency Powers of the Village President, in Chapter 7, Other Village Government Provisions, of the Arlington Heights Municipal Code, are hereby deleted in their entirety and substituted with the following language:

Article III Emergency Management Agency

Section 7-301 Establishment. There is hereby created the Village of Arlington Heights Emergency Management Agency ("EMA"), established to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile actions or from natural or man-made disasters, in accordance with "The Illinois Emergency Management Agency Act" ("Act"), as now or hereafter amended. The EMA shall consist of the Village Manager, who shall serve as EMA Director, the Coordinator, who shall be designated by the Director, and such other members as selected by the EMA Director. The Coordinator shall be under the authority, command, and control of the EMA Director.

Section 7-302 Director. Under the supervision of the Village President, the EMA Director shall have the responsibility for the management of the EMA. In the event of the absence, resignation, death, or inability of the Village Manager to serve as the EMA Director, the Village President, or individual designated by the Village President, shall act as EMA Director until a new Village Manager is appointed or other individual is appointed EMA Director.

Section 7-303 Coordinator. Under the supervision of the EMA Director, the Coordinator shall have direct responsibility for the planning, coordination, and operation of the emergency management activity in the Village. The Coordinator shall serve as liaison with the State and Federal authorities and the authorities of other nearby political subdivisions to ensure the most effective operation of the Emergency Operations Plan. The Coordinator's duties shall include, but not be limited to, the following:

- a. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Village for emergency management purposes.
- b. Development and coordination of plans for the immediate use of all Village facilities, equipment, manpower and other resources for the purposes of minimizing or preventing damage to persons and property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- c. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes, and designating suitable buildings as public shelters.

- d. Conducting public practice alerts to ensure the efficient operation of emergency management regulations, procedures, and operations.
- e. Coordinating the activity of all other public and private agencies engaged in any emergency management activity.
- f. Assuming such authority and conducting such activity as the EMA Director may direct to promote and execute the Emergency Operations Plan.
- g. In the event of the absence, resignation, death, or inability to serve of the Coordinator, the EMA Director or another person designated by the EMA Director, shall act as Coordinator until a new appointment is made.

Section 7-304 Membership with the Joint Emergency Management System. The Village is a member of the Joint Emergency Management System (“JEMS”), a regional system among neighboring municipalities for emergency management support. As a member of JEMS, the Village coordinates its emergency management program activities with the JEMS Coordinator in order to ensure regional standardization.

Section 7-305 Functions. The Village EMA shall perform such EMA functions within the Village as shall be prescribed in and by the State of Illinois EMA plan and program prepared by the Governor, and, in addition, shall perform such duties outside the corporate limits 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.

Section 7-306 Emergency Plans.

- a. A comprehensive Emergency Operations Plan shall be adopted and maintained by resolution of the Corporate Authorities upon the recommendations of the Village President. In the preparation of the Plan as it pertains to the Village organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of the EMA Director, all departments, and all employees to perform the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all times. The Emergency Operations Plan shall be considered supplementary to this Chapter and have the effect of law whenever a disaster has been proclaimed.
- b. Each department head assigned responsibility in the Emergency Operations Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Village employees and volunteers.
- c. The Village President shall prescribe in a Continuity of Operations and Continuity of Government Plan those positions within the disaster organization, in addition to their own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Village a current list of three persons as successors to the

position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

- d. When a required competency or skill for a disaster function is not available within the Village government, the Village President is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after a disaster. The Village may accept such services from persons outside of government on a volunteer basis. Such persons shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.
- e. Some of the duties ascribed to the Village President in this Article will ordinarily be handled as a matter of routine by the EMA Director or Coordinator, but the responsibility and authority stem from and remain with the Village President.

Section 7-307 Service as Mobile Support Team. Any member of the Village EMA may be designated as a member of a mobile support team created by the Director of the State of Illinois Emergency Management Agency as provided by law. The leader of the mobile support team shall be designated by the EMA Director. 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 reasonable compensation from the State of Illinois as provided by law.

Section 7-308 Emergency Action. If the Governor proclaims that a disaster or state of emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action or from man-made or natural disaster, it shall be the duty of the Village EMA to cooperate fully with the State of Illinois EMA and with the Governor in the exercise of emergency powers as provided by law.

Section 7-309 Reimbursement by State. The Treasurer may receive and allocate to the appropriate fund any reimbursement by the State of Illinois to the Village for expenses incident to training members of the EMA as prescribed by the State Director of EMA, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director of EMA as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law.

Section 7-310 Purchases and Expenditures. The Board of Trustees, may, on recommendation of the Village Director of EMA, authorize any purchase or contracts necessary to place the Village in a position to combat effectively any enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disasters and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster.

In the event of enemy caused or other disaster, the Village Director of EMA is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary

for such purposes, in view of the emergency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The Illinois Emergency Management Agency Act", as amended; provided, that if the Village President is available at such time, the Village Director shall act subject to the direction and restrictions imposed by the Village President.

Section 7-311 Oath. Every person appointed to serve in any capacity in the Village EMA organization shall, before entering upon his or her duties, subscribe to the following oath:

I (state your name) of the Emergency Management Agency of the Village 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 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 as I am affiliated with the Village EMA organization, 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.

Section 7-312 Office. The Village Manager is authorized to designate space in any Village building or elsewhere, as may be provided for by the Village Board for the Village EMA organization as its office.

Article IV Emergency Powers of the Village President

Section 7-401 Emergency Powers and Duties. During any period when disaster threatens or when the Village has been struck by disaster, the Village President or the EMA Director may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management personnel or to facilitate the mass movement of persons from critical areas within or without the Village.
- b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- c. Such other regulations necessary to preserve public peace, health and safety.

Section 7-402 Governmental Powers. Whenever, due to an emergency resulting from the effects of natural or manmade disaster or hostile act or the anticipated effects thereof, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or

usual place or places, the Village Board may meet at any place within or outside the Village limits on the call of the presiding officer or any two members of such governing body. The Village Board shall proceed to establish and designate by ordinance, resolution, or other manner alternate or substitute sites or places as the emergency temporary location or locations of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or outside the Village.

During the period when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of the Village shall have all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by the laws of this State. Such powers and functions may be exercised in light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the Village.

Section 7-403 Continuity In Office. In the event that the Village President is unavailable, the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes; or until the officer, or their deputy or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of the office. Based on the authority of 5 ILCS 275/3 the line of succession for the executive branch of government will be: Village President, President Pro Tem, Senior Trustee.

In the event that, at the time or as a consequence of any disaster or occurrence described in this Chapter, the Village President and their successors on file with the Village shall be absent, killed, or rendered incapable of performing the duties of such office, such office shall be filled until such time as a successor can be selected in the manner prescribed by law, in the following line of succession: the remaining members of the Village Board based on tenure, the Village Manager, the Director of Finance, the Chief of Police, the Fire Chief, the Public Works Director. In the event that, at the time or as a consequence of any disaster or occurrence described in this Chapter, the incumbent of any Municipal office or position shall be absent, killed, or rendered incapable of performing the duties of such office or position, such office or position shall be filled, until such time as a successor can be selected in the manner prescribed by law, by appointment by the Village President. The Village President shall give due consideration to the list of three successors on file with the Village but is not required to select from said list.

Section 7-404 Local Disaster Emergencies. A local disaster emergency may be proclaimed only by the Village President as provided by "The Illinois Emergency Management Agency Act", as amended. The local disaster emergency shall be continued only as provided by Statute. It shall be the duty of the Village EMA to cooperate fully with the Village President in the exercise of emergency powers as provided by law during the time of a local disaster emergency.

Section 7-405 Power and Authority Granted. Upon declaring a Local Disaster Emergency, the Village President may:

- a. Order a general curfew applicable to the geographical areas of the Village, or to the Village as a whole, as the Village President deems reasonably necessary to respond to the emergency, and applicable during the hours of the day or night as the Village President deems necessary in the interests of the public safety and welfare.
- b. Prohibit the sale of any firearm of any size or description and the sale of any ammunition, explosive or other destructive device.
- c. Prohibit the intentional possession in public view of any firearm by any person except a duly authorized law enforcement officer or military person active in the official performance of his or her duty.
- d. Order the establishment of curfews, including vehicle movement except fire, police, hospital services, utility vehicles and physicians on emergency cases.
- e. Prohibit the sale or distribution of alcoholic beverages, with or without payment, or the possession of any portable container containing any alcoholic beverage by any person in a public place.
- f. Order the closing of places of public assemblage.
- g. Prohibit the sale or transfer or possession of gasoline or other combustible liquid except for delivery directly into the tank of a motor vehicle, boat or other combustion-propelled vehicle.
- h. Prohibit the possession in a public place of any portable container containing combustible liquid.
- i. Issue such other orders as are imminently necessary for the protection of life and property.

Section 7-406 Notification. Upon issuance of the executive order declaring a Local Disaster Emergency, the appropriate public official shall notify the news media situated within the Village and shall cause two copies of the executive order declaring the existence of the State of Emergency to be posted at the Municipal Building and the Police Department.

Section 7-407 Duration. A declaration of a Local Disaster Emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the Local Disaster Emergency is declared, unless terminated earlier by proclamation of the Village President that the Local Disaster Emergency no longer exists.

SECTION TWO: The various provisions of this Ordinance are to be considered severable, and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: This Ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof and, except as set forth in this Section, shall be in full force and

affect from and after its passage, approval and publication in the manner provided by law.

AYES:

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PASSED AND APPROVED this 5th day of November 2018.

ATTEST:

Village President

Village Clerk

CodeAmendments:7 Articles III and IV Emergency Management Agency