City of St. Charles, Illinois

Ordinance No. 2004-M-61

An Ordinance Amending Title 2, "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency"

Adopted by the

City Council

of the

City of St. Charles

July 6, 2004

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, July 9, 2004

Kristin A. Nephew

City Clerk

(S E A L)

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ORDINANCE NO.2004-M-61

AN ORDINANCE AMENDING TITLE 2
"ADMINISTRATION and PERSONNEL"
CHAPTER 2.36 "EMERGENCY SERVICES AND DISASTER AGENCY"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That 2.36, "Emergency Services and Disaster Agency," of Title 2, "Administration and Personnel," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

2.36 **Emergency Management Agency**

2. That Section 2.36.010, "Policy and Procedures," Paragraph A of Title 2, "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

A. 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, or by means of **terrorism** or other disloyal actions within, or from fire, **tornado**, flood, earthquake, or other natural or man-made causes, and in order to insure that this city will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this city and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:

1. to create a municipal **emergency management agency.**
2. to confer upon the Mayor and extraordinary power and authority set forth under § 11-1-6 of the Illinois Municipal Code (65 ILL. Comp. Stat. 5/11-1-6).
3. 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.

3. That Section 2.36.030, "Definitions," Paragraph A, of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefor:

A. **Director means the staff assistant to the Mayor with the duty of carrying out the requirements of this Chapter.**
B. Coordinator means the staff assistant to the **Director** with the duty of carrying out the requirements of this Chapter.

4. That Section 2.36.040, "Emergency Services and Disaster Agency," Paragraphs A-E, of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

2.36.040 **St. Charles Emergency Management Agency**

A. There is hereby created an **emergency management agency** and a **director** of the **emergency management agency**, herein called the **"director"**, who shall be the head thereof. The **director** shall be appointed by the Mayor with the advice and consent of the council. He shall serve at the pleasure of the Mayor.
B. The St. Charles **Emergency Management Agency** shall obtain, with council 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**, subject to the direction and control of the Mayor, shall be the executive head of the St. Charles **Emergency Management Agency**, and shall be responsible under the direction of the Mayor for carrying out

the program for emergency services and disaster operations of this city. He shall coordinate the activities of all organizations for emergency services and disaster operations within this city and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organizations of Kane County, 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**, the **Coordinator** or any person designated by **the Mayor**, shall be and act as **Director** until a new appointment is made as provided in this Chapter.

D. The St. Charles **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 St. Charles **Emergency Management Agency** shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

F. The St. Charles **Emergency Management Agency** is authorized to:

1. Determine the requirements of the city of St. Charles for food, clothing, and other necessities in the event of an emergency;
2. Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
3. Bi-annually review and revise the local Emergency Operations Plan;
4. Establish a register of persons with types of training and skills in emergency prevention, preparedness, response, and recovery;
5. Establish a register of government and private response resources available for use in a disaster;
6. Prepare, for issuance by the Mayor, Chapters, proclamations, and regulations as necessary or appropriate in coping with disasters;
7. 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.
8. Initiate and coordinate planning for the establishment of an emergency operating center;
9. Do all other things necessary, incidental, or appropriate for the implementation of this Chapter.

(Ord. 1994-M-26 § 1.)

5. That Section 2.36.050, "Emergency Services and Disaster Powers of the Mayor," Paragraphs A and D, of Title 2 "Administration and Personnel," Chapter 2.36,

"Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

A. The Mayor 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.

D. The Mayor is authorized to designate space in a municipal building or elsewhere for the **emergency management agency** as its office.

6. That Section 2.36.100, "Communications," of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

> The St. Charles **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. The agency shall make recommendations to the Mayor as appropriate. (Ord. 1994-M-26 § 1.)

7. That Section 2.36.150, "Orders, Rules, and Regulations," Paragraph B, of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

B. The St. Charles **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 St. Charles **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. (Ord. 1994-M-26 § 1.)

8. That Section 2.36.160, "Utilization of Existing Agency, Facilities, and Personnel," of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

> In carrying out the provisions of the Chapter, the Mayor and the coordinator of the **emergency management agency** are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the city 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 management agency**. (Ord. 1994-M-26 § 1.)

9. That Section 2.36.210, "Emergency Services and Disaster Agency Personnel Oath," of Title 2 "Administration and Personnel," Chapter 2.36, "Emergency Services and Disaster Agency," of the St. Charles Municipal Code, be and is hereby amended deleting the same and substituting the following therefor:

> 2.36.210 **Emergency Management Agency Personnel Oath.**
> Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in a department of the St. Charles **Emergency Management Agency** shall, before entering upon his duties, take an oath, in writing, before the coordinator of the St. Charles **Emergency Management Agency** or before a person authorized to administer oaths in this city, which oath shall be filed with the coordinator of the St. Charles **Emergency Management 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 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 the state by force or violence; and that during such time as I am affiliated with the St. Charles **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 or of this state by force or violence."
(Ord. 1994-M-26 § 1; 1976-M-34 (part): prior code § 9.410.)

10. That after adoption and approval hereof, this Ordinance shall (i) be printed or published in a book or pamphlet form published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

11. This Ordinance shall be in full force and effect from and after its passage by a vote of the majority of the corporate authorities now holding office and approval in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 6th day of July, year.

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of July, year.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 6th day of July, year.

Susan Klinkhamer

Susan L. Klinkhamer, Mayor

Attest:

Kristie A. Stephens

City Clerk/Recording Secretary

Approved as to form:

Timothy D. O'Neill

City Attorney

Date: 7/6/04

Voice Vote:

Ayes: 9

Nays: 0

Absent: 1

Abstain: 0

State of Illinois)
) **ss.**
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting Municipal Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on July 6, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 2004-M-61, entitled

"An Ordinance Amending Title 2,
"Administration and Personnel,"
Chapter 2.36, "Emergency Services and
Disaster Agency"."

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

The pamphlet form of Ordinance No. 2004-M-61, 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 9, 2004, 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 St. Charles, Illinois, this 6th day of July, 2004.

Kristie A. Nephew
Municipal Clerk

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