
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 20 - 07

**AN ORDINANCE AMENDING THE VILLAGE CODE TO ESTABLISH PROCEDURES
FOR AND TO AUTHORIZE THE VILLAGE PRESIDENT
TO ACT IN THE EVENT OF A LOCAL DISASTER
OR CIVIL EMERGENCY**

Passed by the Board of Trustees, March 26, 2020

Printed and Published, March 26, 2020

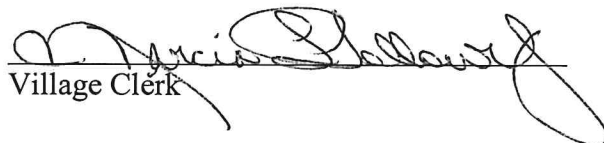
Printed and Published in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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I hereby certify that this document was
properly published on the date stated above.


Village Clerk

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WHEREAS, the Village of Harwood Heights (hereinafter, “the Village”) is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, the Village, as a home rule unit of government, may exercise any power and perform any function pertaining to its government affairs; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-1-6, authorizes the Village to pass an ordinance granting the Village President the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor; and

WHEREAS, the Village has, in Title II, Chapter 2.50 of the Village Code of Ordinances, provided for the establishment of an Emergency Services and Disaster Agency and authorized the exercise of certain emergency powers by the Village President and/or coordinator of the Village of Harwood Heights Emergency Services and Disaster Agency (“HHESDA”); and

WHEREAS, the advent of the COVID-19 virus has revealed gaps in the prior grant of power and authority to the Village President; and

WHEREAS, the President of the United States and the Governor of the State of Illinois

have recently declared national and state emergencies, respectively, due to the COVID-19 pandemic; and

WHEREAS, federal and state funding may be available to local municipalities in the event of a federal, state or locally declared emergency; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Harwood Heights to establish a process for the declaration of a local disaster, emergency and civil emergency, as allowed by Illinois law; and

WHEREAS, the Village Board desires to amend Chapter 2.50 of the Village Code of Ordinances to better define emergencies, executive powers that may be exercised during such emergencies and limitations thereon and the procedures associated with invocation and implementation of such powers and therefore, in the exercise of its statutory and home rule powers, provides for the amendment set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:

SECTION 1. RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. ENACTMENT.

The Village of Harwood Heights Code of Ordinances, shall be, and hereby is, amended as follows (additions underlined, ~~deletions marked with strikethrough~~):

CHAPTER 2.50 – CIVIL EMERGENCIES; EMERGENCY SERVICES AND DISASTER AGENCY

2.50.005 – The term “mayor” and “president” shall be used interchangeably in this Chapter to refer to the Village President, as chief executive officer of the Village of Harwood Heights.

2.50.010 - Emergency services and disaster agency—Established—Membership—Term of office.

Under the direction of the mayor, the village shall establish and maintain an organization to be known as the Village of Harwood Heights Emergency Services and Disaster Agency ("HHESDA" or "agency") to coordinate all phases of emergency and disaster planning for the village and to prevent, minimize, repair, and alleviate attack, sabotage or other hostile action or from natural or manmade disaster, in accordance with the Illinois Emergency Management Agency Act, 20 ILCS 3305/1, et seq. The agency shall consist of not more than twelve (12) volunteer members selected by the HHESDA coordinator with the approval of the village board, except that membership may be temporarily increased as deemed necessary by the mayor in times of crisis or an actual disaster. Unless a member is appointed to finish a term for a member who has been removed, has resigned, or is otherwise unable to finish his/her term, members shall be appointed for a term of three years. Members must be at least eighteen (18) years old. All members shall undergo a police background check and complete a ninety-day probationary period before being designated as "full members" of the HHESDA.

2.50.020 - Intent and purpose.

The intent and purpose of the HHESDA is to support the village's efforts to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, riot, terrorism (foreign or domestic) or other hostile action, or from natural or manmade disasters, including but not limited to fire, flood, storm, tornado or severe wind, epidemic, and air or water contamination, in accordance with the Illinois Emergency Services and Disaster Agency Act, 20 ILCS 3305/1, et seq. and the regulations promulgated in the Administrative Code pertaining to the Illinois Emergency Services and Disaster Agency.

2.50.030 - Coordinator.

The coordinator of the HHESDA shall be appointed annually by the mayor with the advice and consent of the village board. The coordinator shall, under the direction and control of the mayor, be responsible for the day-to-day organization, administration, training and operation of the HHESDA, shall act as an advisor to the corporate authorities and other key staff regarding the mitigation, preparedness, response and disaster recovery efforts of the village, shall serve as a member of the village's crisis management team and shall have such other powers and responsibilities as delegated by the mayor from time to time.

2.50.040 - Oath required.

Every member of the HHESDA shall, before entering upon his/her duties, subscribed to an oath in writing, which oath shall be filed with and maintained by the coordinator, and which oath shall read 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 I will well and faithfully discharge the duties upon which I am about to enter. I do further swear (or affirm) I do not advocate, nor am I nor have I ever been a member of any political party or organization which advocates the overthrow of the government of the United States or of this State by force or violence; and during such time as I am affiliated with the Village of Harwood Heights 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.

2.50.050 - Functions.

Under the supervision of the mayor and the coordinator, the HHESDA is authorized to:

- A. Perform state and federal mandated emergency management activities within the village;
- B. Prepare an emergency operations plan that complies with planning, review and approval standards promulgated by the Illinois Emergency Services and Disaster Agency.
- C. Perform activities prescribed in and by the Harwood Heights Emergency Operation Plan;
- D. Prepare and distribute a written statement of the emergency responsibilities of all village departments and officials and the disaster chain of command and distribute the written statement to all appropriate officials or employees bearing emergency responsibilities;
- E. Carry out plans, programs and training exercises prepared by the coordinator; and
- F. 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 approved by the corporate authorities, and as entered into as provided for in the Illinois Emergency Services and Disaster Agency Act and Illinois Emergency Services and Disaster Agency Administrative Code.

2.50.060 - Service as mobile support team.

The coordinator, with the approval of the mayor, may designate all or any members of the HHESDA as members of a state mobile support team created by the Director of the Illinois

Emergency Services and Disaster Agency as provided by the Illinois Emergency Services and Disaster Agency Act and Illinois Emergency Services and Disaster Agency Administrative Code.

- A. The leader of the village's mobile support team may be designated by the coordinator with the approval of the mayor.
- B. Any member of a mobile support team who is a paid village employee or officer while serving on call to duty by the governor, or the state director shall receive compensation and shall have the powers, duties, rights and immunities incident to such employment. 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 the Illinois Emergency Services and Disaster Agency Act and Illinois Emergency Services and Disaster Agency Administrative Code.

2.50.070 - Compensation.

Members of the HHESDA shall be considered volunteers and shall not receive compensation except as expressly provided otherwise in this chapter. Members who are also paid employees or officers of the village, if called for training by the Director of the Illinois Emergency Services and Disaster Agency, shall receive compensation for the time spent in such training the same rate of pay as is attached to the position held; members who are not such village employees or officers may only receive compensation for such training time as may be approved by the Corporate Authorities.

2.50.080 - Reimbursement by the state.

The village treasurer may receive, and allocate to the appropriate fund, any reimbursement by the state to the village for expenses for the training of members of the HHESDA, for members of the village's mobile support team while serving outside the village in response to a call by the Governor or Director of the Illinois Emergency Services and Disaster Agency as provided by law, and for any other reimbursement received incident to the agency's activities as provided by the Illinois Emergency Services and Disaster Agency Act, the Illinois Emergency Services and Disaster Agency Administrative Code and other applicable laws.

2.50.090 - Office and emergency operation center.

The mayor is authorized to designate any space in the Village of Harwood Heights, including the village hall or other village facility, for the use by the HHESDA as its office and/or as an emergency operation center.

2.50.100 - Agreements with other political subdivisions.

The mayor and/or coordinator may negotiate mutual aid agreements with other governmental units in accordance with the village code and the Illinois Emergency Services and Disaster Agency Act, but no such agreement shall be effective until it has been approved by the

corporate authorities of the village unless entered into pursuant to executive order during a state of emergency declared in accordance with the provisions of this Chapter.

2.50.110 - Emergency action.

If a disaster or emergency exists in the Village of Harwood Heights resulting from enemy sabotage or other hostile action, from manmade or natural disaster or otherwise, the mayor and/or his/her designees shall coordinate the village's response effort in accordance with the village's emergency operation plan or as otherwise directed by the mayor pursuant to an executive order during a state of emergency declared in accordance with the provisions of this Chapter.

2.50.120 - Purchases and expenditures.

In the event of disaster or emergency, the mayor and/or coordinator 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 exigency without regard to the statutory procedures or formalities normally prescribed by village ordinance pertaining to village contracts or obligations, provided such actions shall be reported to and reviewed by the village board at its next meeting.

2.50.130 - Continuity of government.

In the event of the absence, death or other inability of the mayor to serve during a disaster/emergency as contemplated by this chapter, the village board shall, at the earliest practicable time, meet and select a president pro tem who, among other duties, shall have all the powers stated in this chapter. In the absence of such meeting of the village board, the order of succession for the purpose of the duties stated in this chapter, and for the duration of the emergency only, shall be the director of public safety, then the village trustees, respectively, in sequential order of continuous time served on the village board.

2.50.140 – Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Civil Emergency” shall mean a riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force or violence if accompanied by immediate power to execute by three or more persons acting together without authority of law.

“Curfew” shall mean a prohibition against any person walking, running, loitering, standing, bicycling, motoring, or otherwise traveling on any alley, street, highway, public property, or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency, disaster, or public health emergency.

“Disaster” shall mean any period of a disaster or emergency as declared by the Governor of the State of Illinois that includes any part of the Village of Harwood Heights, any natural disaster or human-made calamity or threat thereof, including flood, conflagration, wind, storm, cyclone, tornado, earthquake, oil spill, water contamination, epidemic or other threat to public health, air contamination, light, drought, infestation, explosion, or hostile military or paramilitary action within or impacting people or property within the corporate limits of the Village or the imminent threat of such, resulting or reasonably anticipated to result in 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. Disaster includes, but is not limited to, all incurrences or threats thereof, which are contemplated by the concept of emergency services and disaster operations. Disaster also includes, but is not limited to, a public health emergency.

“Emergency Services” shall mean the preparation for and the 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 manmade or natural causes. These functions include, without limitation, firefighting 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 production, 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 the carrying out of the foregoing functions.

“Public health emergency” shall mean an occurrence or imminent threat of an illness or health condition that:

- (a) Is believed to be caused by any of the following:
 - (i) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; and
- (b) Poses a high probability of any of the following harms:
 - (i) A large number of deaths in the affected population;
 - (ii) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

2.50.150 – Declaration of Emergency.

Whenever a civil emergency, public health emergency, or disaster as defined in Section

2.50.140 exists, the President shall declare the existence of such an emergency, by signing, under oath, a statement setting forth the facts which constitute the emergency, describing the nature of the emergency, and declaring that a state of emergency exists. Such statement shall be filed with the Village Clerk as soon as practicable.

2.50.160 – Emergency Powers.

Upon the declaration of an emergency, the Village President shall have the extraordinary power and authority to exercise by executive order, during the state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency, including, but not limited to the following:

- A. To establish a curfew;
- B. To suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of municipal business or the orders, rules and regulations of the Village, if strict compliance with the provision of any ordinance, rule, order or regulation would, in any way, prevent, hinder or delay necessary action including emergency purchases in coping with the emergency situation.
- C. To utilize all available resources of the Village as reasonably necessary to cope with the emergency situation.
- D. To transfer the direction, personnel or function of the municipality for the purpose of performing or facilitating emergency response and recovery programs.
- E. When required by the exigencies of the situation to sell, rent, give or distribute all or any part of the property of the Village to the inhabitants of this Village, to political subdivisions of the state or under any interstate mutual aid agreement or intrastate mutual aid agreement, or compacts as may exist.
- F. To recommend the evacuation of all or part of the population from any stricken or threatened area, within the municipality, to prescribe routes, modes of transportation and destinations in connection with evacuations.
- G. To control ingress and egress to and from a disaster area, movement of persons within the area, and the occupancy of premises therein.
- H. To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
- I. To make provisions for the availability and use of temporary and emergency housing to control, restrict and regulate by rationing, freezing, use of quotas, prohibition on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods

or services and perform the exercise and any other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

- J. To prohibit increases in the prices of goods and services during the disaster.
- K. To contract for or otherwise provide emergency medical services, within or outside the corporate limits.
- L. To approve such contracts for goods and/or services that are reasonably necessary to respond to the emergency, notwithstanding any other requirements of the Code of Ordinances or Illinois law, provided the cost of said contract is less than \$50,000.
- M. To authorize overtime, recalls from duty, the cancellation of vacations, and increases in human-power resources.
- N. To approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality.
- O. To order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption or sale of intoxicating liquor and beer is permitted.
- P. To order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- Q. To 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.
- R. To order the discontinuance of selling, distributing, dispensing, transferring or giving away of any firearms or ammunition of any character whatsoever.
- S. To issue such other orders or undertake all actions as are immediately and reasonably necessary for the protection of life and property.

2.50.170 – Effective Period.

Unless extended by consent of the Village Board, in regular or special session so convened, the emergency proclamation of the Village President shall expire upon the adjournment of the first meeting of the Village Board in regular or special session following such proclamation.

2.50.180 – Notification Requirements.

Upon the Village President's declaration of a state of emergency as provided hereinabove, the Village Clerk and/or Chief of Police shall notify the news media situated within the Village and all members of the Village Board, and shall cause copies of the proclamation declaring the existence of the emergency to be prominently posted at each of the following places within the Village:

- A. Village Hall entrances;
- B. Police station entrance;
- C. Post office;
- D. Village's official website;

2.50.190 – Powers Cumulative.

Nothing contained in this Chapter shall be construed to impair the powers contained in the Village Code giving powers to the police, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

2.50.200 – Penalties.

- A. It shall be unlawful for any person to violate the provisions of any order issued by the Village President under the provisions of Chapter 2.50, or to fail to obey promptly any reasonable order, direction or command issued by any police officer acting in the performance of his duty or power in the enforcement of the provisions of this Chapter for the preservation of the public peace, health and safety. Any person guilty of such violation shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.
- B. In addition to any monetary penalties provided hereinabove, the violation of any order issued by the Village President pursuant to this Chapter is declared to be a public nuisance posing serious threat to the public health, safety and welfare, and the Village reserves to itself all nuisance abatement powers granted to it by statute or at common law.

SECTION 3. RESOLUTION OF CONFLICTS.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

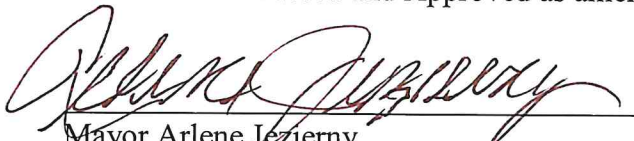
SECTION 4. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

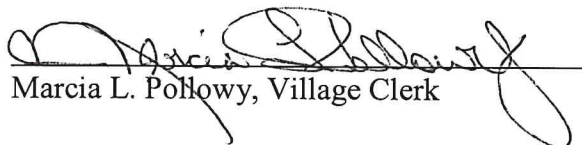
SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved as amended this 26th day of March, 2020.


Mayor Arlene Jezierny

ATTEST:


Marcia L. Pollowy, Village Clerk

VOTES

AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-07 entitled:

**AN ORDINANCE AMENDING THE VILLAGE CODE TO ESTABLISH PROCEDURES
FOR AND TO AUTHORIZE THE VILLAGE PRESIDENT
TO ACT IN THE EVENT OF A LOCAL DISASTER
OR CIVIL EMERGENCY**

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 26th day of March, 2020.

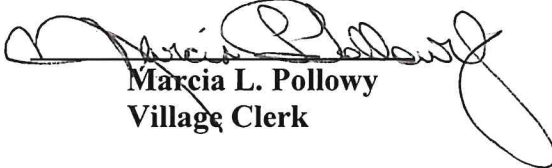
I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 27th day of March, 2020.



Corporate Seal


Marcia L. Pollowy
Village Clerk