

ORDINANCE NO. 2020- 11

AN ORDINANCE DECLARING A STATE OF EMERGENCY IN THE VILLAGE OF
PECATONICA, ILLINOIS

WHEREAS, the Village of Pecatonica, Winnebago County, Illinois ("Village"), is a non-home rule unit of government as defined by law; and

WHEREAS, the World Health Organization has deemed the COVID-19 virus a worldwide pandemic; and

WHEREAS, the President of the United States has declared a national emergency in the United States of America and the Governor of the State of Illinois has declared a state of emergency in the State of Illinois; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides for the declaration of a state of emergency and the grant of extraordinary authority to the **Village President** by the corporate authorities; 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 now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the **Village**; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Pecatonica, Illinois as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. That Title III, entitled "Administration", Chapter 34, entitled "Local State of Emergency", Section 34.01, entitled "Civil Emergencies" of the Village Code is hereby ADOPTED, and shall read as follows:

CHAPTER 34, SECTION 34.01 – CIVIL EMERGENCIES

(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 city, 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 city 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 **Village President** is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the **Village 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 municipal clerk as soon as practicable after issuance.

(c) **Curfew authorized.** After proclamation of a Local State of Emergency by the **Village President**, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(d) **Orders authorized.** After the proclamation of a Local State of Emergency, the **Village 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 state of emergency:

- 1) All actions reasonably necessary to respond to the emergency;
- 2) Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality; and
- 3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the **Village President** shall be authorized to approve new spending by the **Village** during the existence of the Local State of Emergency.
- 4) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- 5) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- 6) 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;
- 7) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever; and

8) Order the suspension of all or parts of Village Ordinances not pertaining to the above powers with approval of the Board of Trustees.

(e) Duration. The declaration herein authorized shall be effective for a period of up to 30 days or until the adjournment of the next regular or special meeting of the city council, whichever comes first, unless sooner terminated by a proclamation of the Village President, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Village President or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30 day period during the time said emergency exists.

(f) Notice. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the Village, and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the city: the city 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 the Village code.

(h) Effect on other ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

Section 3. EFFECTIVE DATE. Due to the current National Emergency and State of Emergency in the State of Illinois this Ordinance shall be in immediately in full force and effect upon its adoption and approval on March 19, 2020.

Section 4. REPEAL OF CONFLICTING PROVISIONS. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 5. SEVERABILITY. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Passed the ____ day of _____, 20____.

AYES: _____

NAYS: _____

Absent: _____

Approved this ____ day of _____, 20 ____.

WILLIAM SMULL, Village President
Village of Pecatonica, Illinois

ATTEST:

GWENN SHIRLEY, Village Clerk
Village of Pecatonica, Illinois