

CITY OF OGLESBY

ORDINANCE NO. 1112-033020

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

ADOPTED BY THE CITY COUNCIL OF
THE CITY OF OGLESBY
THIS 30TH DAY OF MARCH, 2020

Published in pamphlet form by authority of the City Council of the City of Oglesby, LaSalle County, Illinois, this 30TH day of March, 2020.

STATE OF ILLINOIS)
) SS.
COUNTY OF LASALLE)

I, Amy Eitutis, certify that I am the duly appointed and acting municipal clerk of the City of Oglesby, LaSalle County, Illinois.

I further certify that on the 30TH day of March, 2020, the corporate authorities of the above municipality passed and approved Ordinance No. 1112-033020, entitled "An Ordinance Pertaining to Local State of Emergency", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1112-033020, including the ordinance and cover sheet thereof, was prepared and a copy of such ordinance was posted in the municipal building, commencing on the 30TH day of March, 2020, and continuing for at least ten days thereafter. Copies of the ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated in Oglesby, Illinois, this 30TH day of March, 2020.

Amy Eitutis, City Clerk

(SEAL)

ORDINANCE NO. 1112-033020

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

WHEREAS, the City of Oglesby, LaSalle County, Illinois, is a non-home rule unit of government; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides for and authorizes the corporate authorities of each municipality by ordinance grant to the mayor 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 City of Oglesby finds that it is in the best interests of the residents of the City of Oglesby, and the public in general, that the City of Oglesby provide for the exercise of extraordinary powers by executive order during a state of emergency, to establish standards for the determination by the Mayor of one if a state of emergency exists and to identify those extraordinary powers that may be exercised in such state of emergency;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, A NON-HOME RULE MUNICIPALITY, AS FOLLOWS:

SECTION ONE: That the above referenced recitals shall be and are hereby incorporated as part of the ordained portion of this Ordinance as if said recitals were fully set forth herein.

SECTION TWO: That the City of Oglesby Code of Ordinances is hereby amended to include the provisions of this Ordinance as provided herein.

SECTION THREE: Local – State of Emergency

(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 Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, 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) Orders authorized and regulations related thereto:

- (1) All actions reasonably necessary to respond to the emergency;
- (2) Order a general curfew applicable to such geographical areas of the City or to the City as a whole, as the mayor deems advisable, and applicable during such hours of the day or night as the Mayor deems necessary in the interest of public safety and welfare;
- (3) The power to hire temporary City employees, to appoint temporary City Officials, and to expend funds as necessary;
- (4) Order restrictions on ingress or egress to parts of the City to limit the occupancy of any premises;
- (5) To make provision for the availability and use of temporary emergency housing;
- (6) Temporarily suspend, limit, cancel, convene, reschedule, postpone, continue, or relocate all meetings of the City Council, and any City committee, commission, board, authority, or other City body as deemed appropriate by the Mayor;
- (7) Require closing of business establishments and special events;
- (8) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways;
- (9) Temporarily suspend or modify, for not more than sixty (60) days, any regulation or ordinance of the City, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the City Council;
- (10) The Mayor is authorized to enter into such temporary agreements, including memoranda of understanding with the City's bargaining units in order to promote the provision of City services and the health and safety of the public and employees during the emergency;
- (11) Suspend or limit burning of any items or property within the City limits;
- (12) Direct and compel the evacuation of all or part of the population from any stricken or threatened areas within the City if the mayor deems this action is necessary for the preservation of life, property, or other disaster or emergency mitigation, response or recovery and to prescribe routes, modes of transportation and destination in connection with an evacuation;
- (13) Approve application for local, state, or federal assistance;
- (14) Establish and control routes of transportation, ingress or egress;
- (15) Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein;
- (16) Approve the transfer the direction, personnel, or functions of City departments and agencies for the purpose of performing or facilitating emergency or disaster services;
- (17) Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (18) Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure;
- (19) Close or cancel the use of any municipally owned or operated building or other public facility;
- (20) Declare, issue, enforce, modify and terminate orders for quarantine and isolation of persons or animals posing a threat to the public;
- (21) Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law; and
- (22) Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, and welfare of persons or property within the City or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

SECTION FOUR: Effective Date of Declaration; Termination

- (a) The Declaration of Emergency shall be effective from the date and time designated in the declaration upon the signing of the declaration by both the Mayor and either one sitting City Council member or any officer authorized to give oaths.
- (b) The time of the emergency designated in the declaration shall expire not later than the adjournment of the first regular meeting of the City Council following the declaration or within seven (7) days of the declaration, whichever is sooner, unless such continuation or renewal is approved by the City Council.
- (c) The issuance of a Declaration of Emergency shall, unless sooner activated, also cause the activation of the City's Disaster Management Plan.
- (d) No person shall disobey any order contained in the Declaration of Emergency.

SECTION FIVE: Posting of Declaration

Upon issuance of a Declaration of Emergency as authorized herein, the Mayor or his designee shall notify the local news media and shall cause copies of the declaration declaring the existence of the emergency to be posted at the following places within the City: the City Hall, the Police Station, and the Public Library.

SECTION SIX: City Council to Meet

The Mayor, upon issuance of a Declaration of Emergency, shall call for an emergency special meeting of the City Council. The emergency special meeting shall take as soon as reasonably possible, and if reasonably possible, take place within twenty-four (24) hours after the Declaration of Emergency. The agenda for the special meeting shall relate to the emergency response of the City and related matters. The notice of such emergency special meeting may be delivered to the City Council by phone, in person, or electronic means.

SECTION SEVEN: Validity.

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of these provisions to any person or circumstances shall not be affected thereby.

SECTION EIGHT: Effective Date

This Ordinance shall be in full force and effect immediately from and after its passage and approval according to law.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, held on the 30TH day of March, 2020, by an aye and nay roll call vote as follows:

CARRIE LIJEWSKI	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
THOMAS ARGUBRIGHT	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JAMES CULLINAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
JASON CURRAN	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS
DOMINIC RIVARA	_____ AYE; _____ NAY; _____ ABSENT; _____ PASS

APPROVED:

Dominic Rivara, Mayor

Amy Eitutis, City Clerk