

Ordinance 1610-20

Passed on the 9th day
of April, 2020

***An Ordinance Amending Title 2, Boards and
Commissions, Chapter 5, Emergency Management
Agency (EMA), of the Island Lake Village Code
Pertaining to a Local State of Emergency***

ORDINANCE 1610-20

An Ordinance Amending Title 2, Boards and Commissions, Chapter 5, Emergency Management Agency (EMA), of the Island Lake Village Code Pertaining to a Local State of Emergency

WHEREAS, the Village of Island Lake is an Illinois municipal corporation in Lake and McHenry Counties, 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 mayor 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, Coronavirus disease 2019 (COVID-19) is a potentially severe acute respiratory infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The virus was first identified as the cause of an outbreak of pneumonia of unknown cause in Wuhan City, Hubei Province, China, in December 2019; and

WHEREAS, on March 9, 2020, Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster area; and

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

WHEREAS, on March 11, 2020, McHenry County Board Chair Jack D. Franks proclaimed that a disaster emergency exists for the County of McHenry; and

WHEREAS, on March 13, 2020, Lake County Board Chair Sandy Hart proclaimed that a disaster emergency exists for the County of Lake; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency concerning the novel Coronavirus disease 2019 (COVID-19) outbreak; and

WHEREAS, Governor Pritzker issued Executive Order 2020-04 (COVID-19 Executive Order No. 2), cancelling all public and private gatherings in the State of Illinois of 1,000 people or more to implement social distancing; Governor Pritzker issued Executive Orders 2020-05 and 2020-06 (COVID-19 Executive Order Nos. 3 and 4), closing all public and private schools through March 30, 2020; and Governor Pritzker issued Executive Order 2020-07 (COVID-19 Executive Order No. 5) suspending service at bars and restaurants in the State of Illinois to the public through March 30, 2020 and limiting all public and private gatherings in the State of Illinois of 50 people or more to implement social distancing; and

WHEREAS, following these actions, Mayor Charles R. Amrich issued a Proclamation of Local Disaster Emergency for the Village of Island Lake on April 2, 2020; 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.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Island Lake, Lake and McHenry Counties, 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 2, Boards and Commissions, Chapter 5, Emergency Management Agency (EMA), of the Island Lake Village Code is hereby amended by renaming Section 2-5-13 from "Declaration of Emergency" to "Declaration of Local Disaster Emergency."

SECTION 3: That Title 2, Boards and Commissions, Chapter 5, Emergency Management Agency (EMA), of the Island Lake Village Code is hereby amended by adding Section 2-5-14, Local State of Emergency, which shall read as follows:

2-5-14 LOCAL STATE OF EMERGENCY

Whenever an emergency, as is defined in subsection (A) of this section exists, or imminent emergency, the village board may activate the mayor's extraordinary powers, as set forth in this section, with such limitations as the village board deems necessary.

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 village, 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 village 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 village clerk as soon as practicable after issuance.

- C. Curfew Authorized: After the declaration of a Local State of Emergency by the mayor, the mayor may order a general curfew applicable to such geographical areas of the village or to the village as a whole, as the mayor deems reasonable and advisable, and applicable during such hours of the day or night as the mayor deems necessary in the interest of the public safety and welfare.
- D. Orders Authorized: After the declaration of a Local State of Emergency, the mayor 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 Local State of Emergency:
 - 1. All actions reasonably necessary to respond to the emergency;
 - 2. Approve previous expenditures of the village for the purpose of continuing the operations of the village;
 - 3. Authorize agreements for purchases and contracts that impose a financial obligation on the village that would otherwise be required to be authorized by the village board;
- E. Duration: The declaration of a Local State of Emergency herein authorized shall be effective for a period of up to thirty (30) days or until the adjournment of the next regular or special meeting of the village board, whichever comes first, unless sooner terminated by a declaration of the mayor, or, his or her interim emergency successor, indicating that the emergency no longer exists. The mayor or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.
- F. Notice: Upon issuing the declaration of a Local State of Emergency herein authorized, the village clerk shall notify the news media situated within the village, and shall cause at least four copies of the declaration of a Local State of Emergency and any curfew authorized to be posted at the following places within the village: the village 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 1-4-1 of this 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 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

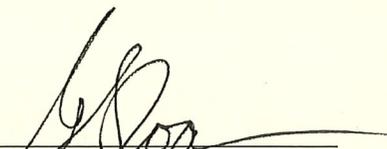
SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED on the 9th day of April, 2020.

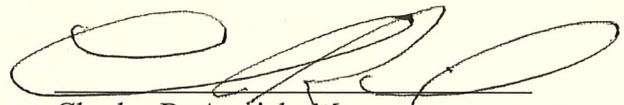
| | AYES | NAYS | ABSTAIN | ABSENT |
|--------------------|------|------|---------|--------|
| Chris Carlsen | x | | | |
| Charles Cermak | x | | | |
| Harold England | x | | | |
| Richard McLaughlin | x | | | |
| Dan Powell | x | | | |
| Will Ziegler | x | | | |

APPROVED on the 10th day of April, 2020

ATTEST:



 Georgine Cooper, Village Clerk


 Charles R. Amrich, Mayor

CERTIFICATION

I, Georgine Cooper, do hereby certify that I am the duly qualified Clerk of the Village of Island Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the Mayor and Board of Trustees of said Village of Island Lake.

I do hereby further certify that at a meeting of the Mayor and Board of Trustees of the Village of Island Lake, held on the 9th day of April, 2020, the foregoing Ordinance entitled ***An Ordinance Amending Title 2, Boards and Commissions, Chapter 5, Emergency Management Agency (EMA), of the Island Lake Village Code Pertaining to a Local State of Emergency*** was duly passed and approved by the Mayor and Board of Trustees of the Village of Island Lake.

The pamphlet form of Ordinance No. 1610-20, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available from the Village Clerk commencing on the 10th day of April, 2020, and continuing for at least 10 days thereafter.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 10th day of April, 2020.



Georgine Cooper, Clerk,
Village of Island Lake
Lake and McHenry Counties, Illinois

