

ORDINANCE NO. 4182

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

WHEREAS, the City of Canton, Fulton County, Illinois (“City”), is a non-home rule unit of government; 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, the City now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the City; and

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

ARTICLE 1

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

ARTICLE 2

Title 1, Chapter 29, entitled "LOCAL STATE OF EMERGENCY," of the City Code is hereby created and adopted, which shall read as follows:

“1-29-1: DEFINITIONS: The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) Emergency: (1) A “Disaster” as defined in the Illinois Emergency Management Agency Act (20 ILCS 3305/1 *et seq.*, as hereinafter amended); (2) 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 (3) Any natural disaster, epidemic or pandemic, or manmade calamity, including outbreak of disease, virus, flood, conflagration, cyclone, tornado, earthquake or explosion, or imminent 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.
- (b) 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.

1-29-2: DECLARATION OF LOCAL STATE OF EMERGENCY: Whenever an emergency, as defined in Section 1-29-1 of this Chapter exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written "*Declaration of Local State of Emergency*" 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 Chapter. This Declaration of Local State of Emergency must be filed with the municipal clerk as soon as practicable after issuance. The issuance of a Declaration of Local State of Emergency hereunder shall be considered a "Local Disaster Declaration" as set forth in the Illinois Emergency Services Act (20 ILCS 3305/1 *et seq.*) and/or a declaration of a state of emergency under Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), as applicable under said statutory provisions.

1-29-3: CURFEW AUTHORIZED: After the Declaration of a Local State of Emergency by the Mayor, he or she may, by executive order, 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.

1-29-4: ORDERS AUTHORIZED: After the Declaration of a Local State of Emergency by the Mayor, the Mayor may also, in the interest of public safety and welfare, and to address the issues caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency:

- (a) Order all actions reasonably necessary to respond to the emergency or as are imminently necessary for the protection of life and property;
- (b) Approve previously appropriated expenditures of the City of Canton for the purpose of continuing the operations of the municipality;
- (c) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor may approve new spending by the City of Canton during the existence of the Local State of Emergency.
- (d) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer and/or 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;
- (e) 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 and/or order the discontinuance of selling, distributing, dispensing or giving away of explosives or explosive agents, firearms or ammunition of any character whatsoever;

- (f) Order the control, restriction and regulation within the City by rationing, issuing quotas, fixing or freezing prices, allocating the use, sale or distribution of food, fuel, clothing and other commodities, materials, goods or services or the necessities of life;
- (g) Order City employees or agents, on behalf of the City, to take possession of any real or personal property of any person, or to acquire full title or such lesser interest as may be necessary to deal with a disaster or emergency, and to take possession of and for a limited time, occupy and use any real estate to accomplish alleviation of the disaster, or the effects thereof. In the event any real or personal property is utilized by the City, the City shall be liable to the owner thereof for the reasonable value of the use or for just compensation as the case may be;
- (h) Order restrictions on ingress or egress to parts of the City to limit the occupancy of any premises;
- (i) To make provision for the availability and use of temporary emergency housing;
- (j) 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;
- (k) Require closing of business establishments;
- (l) Prohibit the sale or distribution within the City of any products which could be employed in a manner which would constitute a danger to public safety;
- (m) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways;
- (n) 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;
- (o) Suspend or limit the use of the water resources or other infrastructure;
- (p) Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services and resources;
- (q) 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;
- (r) Establish and control routes of transportation, ingress or egress;

- (s) Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein;
- (t) Approve the transfer of personnel or functions of City departments and agencies for the purpose of performing or facilitating emergency or disaster services;
- (u) Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (v) Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure;
- (w) Close or cancel the use of any municipally owned or operated building or other public facility;
- (x) Approve, and/or direct the City Attorney or Chairman of the Committee on Negotiation, Grievance and Personnel to adjust, any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency;
- (y) Approve, and/or direct the City Attorney or Chairman of the Committee on Negotiation, Grievance and Personnel 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 Local State of Emergency;
- (z) Declare, issue, enforce, modify and terminate orders for quarantine and isolation of persons or animals posing a threat to the public, not conflicting with the directions of the Illinois Department of Public Health or Fulton County Health Department, to the extent permitted by law;
- (aa) 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;
- (bb) 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, including City employees and personnel, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

1-29-5: DURATION: The Declaration of Local State of Emergency authorized in this Chapter shall be effective for a period of up to twenty-one (21) 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 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-proclaim the existence of an emergency at the end of each twenty-one (21)

day period, or after the adjournment of the next regular or special meeting of the City Council, during the time said emergency exists.

1-29-6: NOTICE: Upon issuing the written Declaration of Local State of Emergency authorized in this Chapter, the City Clerk shall notify the news media situated within the City, and shall cause at least four copies of the Declaration of Local State of Emergency declaring the existence of the emergency and any information pertaining to a curfew to be posted at the following places within the city: on the City's website, the Canton City Hall, the police and fire stations, and somewhere in the area of any curfew (if applicable), such as a public roadway, public building, or terrace.

1-29-7: VIOLATIONS: Any person violating the provisions of this Chapter or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished by a fine of no less than Two Hundred and Fifty and No/100 Dollars (\$250.00) and no more than Seven Hundred Fifty and No/100 Dollars (\$750.00).

1-29-8: EFFECT ON OTHER ORDINANCES: Nothing contained in this Chapter 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 City.

1-29-9: LOCAL, STATE AND FEDERAL ASSISTANCE: After the Declaration of Local State of Emergency, the Mayor may in the interest of public safety and welfare take all necessary actions to seek or otherwise approve any local, state, or federal assistance, as well as any necessary applications therefor."

ARTICLE 3

EFFECTIVE DATE: This Ordinance shall be immediately in full force and effect upon the passage and adoption of this Ordinance on the 16th day of March, 2020.

ARTICLE 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.

ARTICLE 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 16th day of March, 2020.

AYES:

Aldermen Ryan Mayhew, Quinton Mayhew, John Lovell,
Justin Wilson, Angelo Cirincione, Jeff Fritz,
Angelo Helle

NAYS:

None

Absent:

A Harmon Craig West

Approved this 16th day of March, 2020.

Kent McDowell
Kent McDowell, Mayor

ATTEST:

Diana Pavley-Rock
Diana Pavley-Rock, City Clerk