

CITY OF TUSCOLA

ORDINANCE NO. 2020-O- 5

**AN ORDINANCE RELATED TO THE EMERGENCY CREATED BY THE IMPACT OF
THE COVID-19 VIRUS**

**ADOPTED BY THE CITY COUNCIL
OF THE
CITY OF TUSCOLA**

**Published in pamphlet form by authority of the City Council of the City of Tuscola, Douglas
County, Illinois, this 16th day of March, 2020.**

**CITY OF TUSCOLA
DOUGLAS COUNTY, ILLINOIS**

ORDINANCE NO. 2020-O 5

March 16, 2020

**AN ORDINANCE RELATED TO THE EMERGENCY CREATED BY THE IMPACT OF THE
COVID-19 VIRUS**

PREAMBLE

WHEREAS, the City of Tuscola, Douglas County, Illinois ("City"), is a home rule unit of government and may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, 20 ILCS 3305/10(j) of the Illinois Emergency Management Agency Act provides political subdivisions with certain emergency authority; 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, 65 ILCS 5/8-10-5 provides political subdivisions with certain emergency authority; 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, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020, declared a worldwide pandemic; and

WHEREAS, on March 11, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency for the United States; and

WHEREAS, the City has coordinated its response with other Douglas County governmental entities; and

WHEREAS, Mayor Daniel J. Kleiss has issued a Declaration of Emergency; and

WHEREAS, the City Council has considered the existence of a public health emergency in acting upon this ordinance and actions required to promote the health, safety and welfare of its citizens; 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 BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, ILLINOIS as follows:

SECTION ONE. Adoption of Recitals.

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

SECTION TWO. 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:

1. 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.

2. 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. Curfew authorized. After proclamation of a Local State of Emergency by the Mayor, 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 Mayor may also, in the interest of public safety and welfare, and to address the issues caused and threatened by the emergency, 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; and
- 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 Mayor shall be authorized to approve new spending by the City 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) Cancel meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice.
- 8) Suspend licenses, leases, or permits for special events or any other licenses, leases or permits issued by the City which in the judgment of the Mayor could impact the public health or well-being of residents or visitors to the community.
- 9) Authorize any purchase for which funds are available reasonably related to the emergency. Such purchases may be made without following each formal requirement of the Tuscola Municipal Code.
- 10) 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.
- 11) 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.
- 12) Close City facilities as is reasonably required to protect the health of the public and employees of the City.

- 13) Authorize the City Attorney to extend any timeframe for payment or filing related to City ordinance violations in recognition of the emergency.
 - 14) Authorize the extension of deadlines for payment related to any amounts due and owing to the City.
 - 15) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways.
 - 16) Suspend or limit the use of the water resources or other infrastructure.
 - 17) Suspend or limit burning of any items or property within the City limits.
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- 18) 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.
 - 19) Approve application for local, state, or federal assistance.
 - 20) Establish and control routes of transportation, ingress or egress.
 - 21) Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein.
 - 22) Approve the transfer or direction of personnel or functions of City departments and agencies for the purpose of performing or facilitating emergency or disaster services.
 - 23) Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources.

24) Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure.

25) 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 Health Officer of the community.

26) Waive compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law.

e. Duration. The declaration 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 city council, whichever comes first, unless sooner terminated by a written declaration of the Mayor, or, his interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each thirty (30) 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 City, and shall cause at least three 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, and the post office.

g. Violations. Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by section 10.99 of the City 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 City.

SECTION THREE. Declaration of Emergency and Conduct of Meetings.

The City Council of the City of Tuscola does hereby join the Mayor in his previous declaration of an emergency and authorizes him to execute all powers detailed in this Ordinance for thirty (30) days, until the regular meeting of the City of Tuscola on April 13, 2020, or until the Mayor rescinds the declaration of emergency, whichever comes first. The City Council may reauthorize the Mayor to extend his emergency powers at the next meeting by a majority vote without passing a subsequent ordinance. This ordinance shall be construed as a declaration of a local disaster as provided for under 20 ILCS 3305/11.

The Open Meetings Act shall be complied with to the best of the City's ability; however, during this time period any regular or special meetings of the City Council may be conducted at the call of the Mayor or two Council members via electronic means including audio or video conference. Such meetings may be held, providing such notice to the public and media as is reasonable under the circumstances, and if possible, providing access to the public and including a means for public participation. All such meetings shall be considered "emergency meetings" under the law. During this period of emergency, Council Rules are hereby modified to require an affirmative vote of a majority of a quorum present, electronically or physically, at the meeting for the passage of any council bill or to provide policy direction.

The regularly scheduled meeting of the City of Tuscola to be held on March 23, 2020, is cancelled as are all other meetings of the City of Tuscola and its committees or other bodies or subdivisions not otherwise cancelled by the Mayor pursuant to this Ordinance until at least the regularly scheduled City Council meeting of April 13, 2020.

SECTION FOUR. Absence or incapacity of Mayor.

In the event of the absence or incapacity of the Mayor, the City Administrator may take such actions as are provided herein. In the absence or incapacity of both the Mayor and the City Administrator, the City Administrator's designee may perform any matter referred to herein. In the event of the absence or incapacity of the Mayor, the City Administrator or his designee shall only have the authority to Act until the City Council can convene as outlined in this Ordinance to appoint a Mayor Pro Tem.

SECTION FIVE. Effective Date.

This Ordinance shall be in full force and effect upon passage.

SECTION SIX. 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.

Presented, Passed and Approved at an emergency meeting of the Mayor and City Council
of the City of Tuscola, Douglas County, Illinois, this 16th day of March, 2020.

Upon Motion by TRUITT, seconded by MORRIS, adopted this 16th
day of March, 2020, by roll call vote as follows:

AYES (Names):

Day, Hoey, Morris, Rand,
Sloemaker, Slaughter, Truitt
Willdrop

NAYS (Names):

ABSENT (Names):

Approved this 16th day of March, 2020.



Attest:

Elizabeth A. Leamon
Elizabeth A. Leamon, City Clerk

Daniel Kleiss
Daniel Kleiss, Mayor

STATE OF ILLINOIS)
)
COUNTY OF DOUGLAS) ss.

CERTIFICATE

I, Elizabeth A. Leamon, certify that I am the duly elected and acting Municipal Clerk of the City of Tuscola, Douglas, County, Illinois.

I further certify that on March 16, 2020, the Corporate Authorities of the City of Tuscola passed and approved Ordinance No. 2020-O 5, entitled

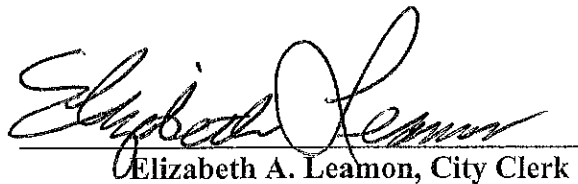
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2020-O 5 including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in City Hall, 214 N. Main St., commencing on March 16, 2020, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Tuscola, Illinois, this 16 day of March ____, 2020.




Elizabeth A. Leamon, City Clerk