

**ORDINANCE NO. 20 – 10**

**AN ORDINANCE EXTENDING THE STATE OF EMERGENCY IN THE  
CITY OF OAKBROOK TERRACE, ILLINOIS, DUE TO THE  
CORONAVIRUS (COVID-19) OUTBREAK**

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**WHEREAS**, the City of Oakbrook Terrace (the “City”) is a home-rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt;

**WHEREAS**, in December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

**WHEREAS**, on January 27, 2020, the United States Secretary of Health and Human Services declared the virus a public health emergency of international concern;

**WHEREAS**, on January 30, 2020, the World Health Organization declared the virus a public health emergency of international concern;

**WHEREAS**, the World Health Organization characterized the virus as a pandemic as of March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency beginning March 1, 2020, in an effort to contain and mitigate the national impact of the expanding global outbreak of the virus and ordered states and hospitals to open their emergency operations centers and activate their emergency plans for the protection of our citizens;

**WHEREAS**, the Center for Disease Control and Prevention (CDC) considers the potential public health threat posed by the virus to be high, both globally and in the United States;

**WHEREAS**, the Governor of Illinois issued a Gubernatorial Disaster Proclamation dated March 9, 2020, for the entire State of Illinois and further issued requirements for social distancing and the elimination of certain community events in the state as of March 12, 2020;

**WHEREAS**, the Department of State and the Department of Homeland Security deemed it necessary to impose restrictions on international travel to contain the spread of the virus, and the CDC advised older travelers and those with chronic medical conditions to avoid nonessential travel and advised all travelers to exercise enhanced precautions;

**WHEREAS**, despite the efforts to contain the virus, the CDC indicates that more cases of the virus are expected in the United States in the coming days, including more instances of community spread; and as the outbreak continues, widespread transmission of the virus in the United States is expected to occur;

**WHEREAS**, the CDC currently recommends all communities take measures to both prepare for and mitigate community transmission of the virus in the United States;

**WHEREAS**, certain populations are at a higher risk of experiencing more severe illness as a result of the virus including older adults and people who have serious chronic medical conditions such as heart disease, diabetes or lung disease;

**WHEREAS**, the Governor of Illinois issued an Executive Order dated March 19, 2020, for the entire State of Illinois, effective March 21, 2020, at 5:00 p.m., ordering all individuals currently living within the State of Illinois to stay at home or at their place of residence until April 7, 2020. The Executive Order requires all businesses and operations in the State, except Essential Businesses and Operations cease all activities within the State except Minimum Basic Operations. It allows businesses to continue operations consisting exclusively of employees performing activities at their own residences. Additionally, Essential Businesses and Operations are encouraged to remain open, but must maintain six-foot social distancing for both employees and members of the public;

**WHEREAS**, on April 1, 2020, the Governor of Illinois issued a second Gubernatorial Disaster Proclamation declaring all counties in the State of Illinois as a disaster area due to the COVID-19 outbreak;

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials;

**WHEREAS**, the City must take actions to contain and mitigate the local impact of the virus outbreak and provide for the continuity of government, activation of the City Emergency Operation Plans, provide for the continuation of essential services and provide for the health and safety of all City residents;

**WHEREAS**, the Acting Mayor declared that a state of emergency and a disaster exists in the City.

**WHEREAS**, on March 31, 2020, the corporate authorities of the City approved Ordinance No. 20-7, *An Ordinance Declaring an Emergency and Declaring the City of Oakbrook Terrace a Disaster Area Due to the Coronavirus (COVID-19) Outbreak* that declared that a state of emergency and a disaster existed in the City; and

**WHEREAS**, while the City is currently responding to this virus outbreak, it is deemed necessary and in the interest of the people of the City in accordance with the City's responsibility to ensure public health and safety and pursuant to the authority vested in the City pursuant to the Illinois Constitution, including Article VII, Section 6 of the 1970 Illinois Constitution, the laws of the State of Illinois, including Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, Sections 11-1-6, 11-20-5 and 8-10-5 of the Illinois Municipal Code and Sections 30.71 and 39.02 of the Code of Oakbrook Terrace, Illinois, to consent to the declaration that an emergency exists within and a disaster exists in the City and renew and continue the emergency powers of the Acting Mayor and ratify the emergency actions taken;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Oakbrook Terrace, DuPage County, Illinois, as follows:

**Section 1. Recitals.** The facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

**Section 2. Extension of the Declaration of an Emergency and Disaster.** It is hereby determined that it is advisable, necessary and in the best interest of the City that the findings, determination and declaration of the Acting Mayor that a state of emergency and a disaster exists in the City due to the coronavirus disease (COVID-19) outbreak be and are hereby ratified and affirmed. All Executive Orders issued by the Acting Mayor during the declared emergency and all actions taken by the officials, officers, employees and agents of the Village to execute and carry out the purpose and intent of those Executive Orders shall be and hereby are hereby ratified and affirmed.

**Section 3.** The Acting Mayor shall be and is hereby authorized and directed to continue to exercise by executive order the following extraordinary emergency powers and authority as may be reasonably necessary to respond to the emergency during the time that this state of emergency exists:

1. Make, amend and rescind all lawful, necessary orders, rules and regulations to carry out the limits of the authority conferred upon the Acting Mayor;
2. Cause to be prepared a comprehensive plan and program for the emergency operations and management of the City, which plan and program shall be integrated into and coordinated with emergency management plans and programs of the county, state and federal governments whenever possible, and which plan and program may include:
  - a. Mitigation of injury and damage caused by the emergency;
  - b. Prompt and effective response to the emergency;
  - c. Emergency relief;
  - d. Recommendations for zoning, building and other land use controls, safety measures for securing permanent structures and other mitigation measures designed to eliminate or reduce the emergency or its impact; and
  - e. Authorization and procedures for the erection or other construction of temporary works designed to mitigate danger, damage or loss due to the emergency;
3. Activate the City's emergency operations and management plan and be the authority for the deployment and use of any forces that the plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available under this section or act as any other provision of law relating to disasters or civil emergencies;

4. Mobilize and utilize all available resources of the City government as reasonably necessary to cope with the emergency;
5. Transfer the direction, personnel or functions of City departments and agencies or units thereof for the purpose of performing or facilitating emergency response and recovery programs;
6. Authorize any purchase or contracts necessary to place the City in a position to effectively combat any emergency, protect property and provide emergency assistance to victims in the case of such emergency;
7. Procure such services, supplies, equipment or material as may be necessary for such purposes in view of the emergency, without regard to statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations and to let contracts to the extent necessary to resolve such emergency without public advertisement or compliance with the provisions of Chapter 30 of the Code of Oakbrook Terrace, Illinois;
8. In collaboration with other public agencies within the immediate vicinity, develop or cause to be developed mutual aid arrangements for reciprocal emergency response and recovery assistance in the event that the response to the emergency exceeds City resources;
9. Order the evacuation of all or part of the population from any stricken or threatened area within the City;
10. Prescribe the route, modes of transportation and destinations in connection with evacuation;
11. Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;
12. Order a general curfew applicable to such geographical areas of the City or to the City as a whole as the Acting Mayor deems advisable and applicable, during such hours of the day or night as the Acting Mayor deems necessary in the interest of public safety and welfare;
13. Order the restriction of vehicle movement, except fire, police, hospital services, utilities vehicles and physicians on emergency cases, within such geographical areas of the City or to the City as a whole as the Acting Mayor deems reasonably necessary to respond to the emergency;
14. Make provisions for the availability and use of temporary emergency housing;
15. 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;
16. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;

17. 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;

18. Order the discontinuance of selling, distributing or giving away any firearms or ammunition of any character whatsoever;

19.

(a) During the period of time that this state of emergency exists, the Acting Mayor shall have general supervision of the interests of the health and lives of the people of the City. The Acting Mayor shall have supreme authority within the City in matters of quarantine, isolation, the closure of businesses or operations within the City, but such orders shall only be more restrictive than orders issued by the federal government, the Illinois Governor or the Illinois Department of Public Health when such authority is necessary to address an issue pertaining to the City's government or affairs relating to the Coronavirus (COVID-19) outbreak. The Acting Mayor may declare and enforce quarantine, isolation, the closure of businesses or operations within the City when none exists, and may modify or relax the Acting Mayor's quarantine, isolation, the closure of businesses or operations within the City when it has been established. The Acting Mayor may adopt, promulgate, repeal and amend rules and regulations not less restrictive than the rules and regulations issued by the federal government, the Illinois Governor or the Illinois Department of Public Health relating to the Coronavirus (COVID-19) outbreak. The Acting Mayor may make such investigations and inspections as he may from time to time deem necessary for the preservation and improvement of the public health, consistent with law regulating the Coronavirus (COVID-19) outbreak;

(b) The Acting Mayor shall investigate the causes of dangerously contagious or infectious diseases, including, but not limited to, the Coronavirus (COVID-19) outbreak, especially when existing in epidemic form. The Acting Mayor shall take means to restrict and suppress dangerously contagious or infectious diseases including, but not limited to, the Coronavirus (COVID-19) outbreak. Whenever such disease becomes, or threatens to become, epidemic in the City and the Illinois Governor or the Illinois Department of Public Health neglects or refuses to enforce efficient measures for its restriction or suppression within the City or to act with sufficient promptness or efficiency, or whenever the Illinois Governor or the Illinois Department of Public Health neglects or refuses to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases within the City; or, whenever the Illinois Governor or the Illinois Department of Public Health's measures for the restriction or suppression of dangerously contagious or infectious diseases present circumstances within the City that threaten public health or safety within the City, the Acting Mayor may issue such Executive Orders and enforce such measures as the Acting Mayor deems necessary to protect the public health or safety. All necessary expenses so incurred shall be paid by the City;

(c) Subject to the provisions of subsection (d), the Acting Mayor may order a person or group of persons to be quarantined or isolated or may order a place or operations being conducted within the City to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease, including, but not limited to, non-compliant Coronavirus (COVID-19) patients, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists;

(d) Except as provided in this ordinance, no person or group of persons may be ordered to be quarantined or isolated and no place may be ordered to be closed and made off limits to the public except with the consent of the person or owner of the place or upon the consent of the City Council. The Acting Mayor may, however, order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent of the owner or consent of the City Council if, in the reasonable judgment of the Acting Mayor, immediate action is required to protect the public from a dangerously contagious or infectious disease. In the event of an immediate order issued without prior consent of the owner or of the City Council, the Acting Mayor shall, as soon as practical, within 48 hours after issuing the order, obtain the consent of the person or owner or file a petition with the City Council requesting that it convene a special meeting within 72 hours to consider consenting to the Acting Mayor's order authorizing the isolation or quarantine or closure. When exigent circumstances exist that cause the City Council to be unavailable or that make it impossible to obtain consent or file a petition within 48 hours after issuance of an immediate order, the Acting Mayor must obtain consent or file a petition requesting that the City Council convene a special meeting as soon as reasonably possible. To obtain the City Council's consent to the Acting Mayor's order, the Acting Mayor, by clear and convincing evidence, must persuade the City Council that the public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to a dangerously contagious or infectious disease including non-compliant Coronavirus (COVID-19) patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Acting Mayor must also present facts to persuade the City Council that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. For purposes of this ordinance, in determining whether no less restrictive alternative exists, the City Council shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, quarantine, isolation or closure is the measure provided for in an Executive Order of the Governor, an order or rule of the Illinois Department of Public Health or in guidelines issued by the Centers for Disease Control and Prevention or the World Health Organization or arises from such order, rule or guidelines and that the Acting Mayor's order is necessary to protect the public health or safety within the City. Persons who are ordered to be isolated or quarantined or who are owners of places that are ordered to be closed and made

off limits to the public, shall be given a written notice of such order. The written notice shall additionally include the following:

- (1) Notice of the right to counsel;
- (2) Notice that if the person or owner is indigent, the court will appoint counsel for that person or owner;
- (3) Notice of the reason for the order for isolation, quarantine, or closure;
- (4) Notice of whether the order is an immediate order, and if so, the time frame for the Acting Mayor to seek consent or to file a petition requesting the City Council convene a special meeting within 72 hours as set out in this ordinance; and
- (5) Notice of the anticipated duration of the isolation, quarantine, or closure.

If a special meeting of the City Council is convened to consider the consent to the Acting Mayor's order, the person(s) who are or are about to be ordered to be isolated or quarantined and owner(s) of places that are or are about to be closed and made off limits to the public shall be given a written notice of the time and place of the special City Council meeting. Persons who are or are about to be ordered to be isolated or quarantined and owners of places that are or are about to be closed and made off limits to the public shall have the right to appear before the City Council and present evidence or testimony and shall have the right to counsel. If a person or owner is indigent, the City Council shall appoint counsel for that person or owner. The determination of the City Council regarding its consent to the Acting Mayor's Order shall be a final administrative decision of the City; and

(e) The operation of the language of this ordinance and the exercise of the powers by the Mayor provided in this ordinance is not dependent upon a declaration of an emergency or disaster by the Governor pursuant to the Illinois Emergency Management Agency Act but are dependent up on the declaration of an emergency by the Acting Mayor; and

20. Issue such other orders as are imminently necessary for the protection of life and property.

**Section 4. Emergency Purchasing.** The City Administrator may purchase or may authorize in writing any department, boards or commissions of the City to purchase in the open market without filing requisition or estimate therefor, and without advertisement, any supplies, materials or equipment, for immediate delivery to meet bona fide operating emergencies where the amount thereof is not in excess of \$40,000. A full written account of any such emergency together with a requisition for the materials, supplies or equipment required therefor shall be submitted immediately to the City Administrator and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase.

**Section 5.**     **Authority to Execute and Enforce.**   The officials, officers, employees and agents of the City are authorized to take such actions and execute such documents as are necessary to carry out the purpose and intent of this ordinance. The Acting Mayor, police officers, all other officers and employees of the City shall enforce the rules and regulations so adopted and orders issued by the Acting Mayor pursuant to this ordinance.

**Section 6.**     **Publication.**   The City Clerk is authorized and directed to make this ordinance available for public inspection and to any news media situated in the City. It shall also be posted at City Hall, the Police Station, the fire station of the Oakbrook Terrace Fire Protection District and on the City’s website.

**Section 7.**     **Severability.**   If any provision of this ordinance, or the application of any provision of this ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this ordinance.

**Section 8.**     **Repealer.**   All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

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**Section 9. Effective Date and Termination.** This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law. Unless sooner terminated by the proclamation of the Acting Mayor indicating that the emergency no longer exists, this ordinance shall continue in effect until the adjournment of the next regular or special meeting of the corporate authorities of the City unless the corporate authorities consent to the renewal of the existence of this emergency at that meeting. The existence of this civil emergency may be renewed by the Acting Mayor during the time the civil emergency exists with the consent of the City Council. The date upon which this declaration of emergency shall terminate, may be extended or abridged by the corporate authorities as in their judgment the circumstances require.

**ADOPTED** this 14<sup>th</sup> day of April 2020, pursuant to a roll call vote as follows:

**AYES: Barbari, Esposito, Greco, Przychodni, Rada, and Vlach**

**NAYES: None**

**ABSENT: None**

**ABSTENTION: None**

**APPROVED** by me this 14<sup>th</sup> day of April 2020.



Paul Esposito, Acting Mayor of the City of  
Oakbrook Terrace, DuPage County, Illinois

**ATTESTED** and filed in my office,  
this 14<sup>th</sup> day of April 2020.

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Michael Shadley, Clerk of the City of  
Oakbrook Terrace, DuPage County, Illinois