

VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS

ORDINANCE #2020-09

“An Ordinance Relating to the Emergency Created by the Impact of the COVID-19 Virus”

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
18th DAY OF March, 2020

Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt
County, Illinois, this 18th day of March, 2020

ORDINANCE NO. 2020-09

“An Ordinance Related to the Emergency Created by the Impact of the COVID-19 Virus”

PREAMBLE

WHEREAS, the Village of Hammond, Piatt County, Illinois (“Village”), is a duly established and functioning municipal corporation in the State of Illinois; 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 Village President 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 Village has coordinated its response with other Piatt County governmental entities; and

WHEREAS, Village President Deborah Waldrop has issued a Declaration of Emergency; and

WHEREAS, the Village Board 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 Village now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND, 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.

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 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.
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 Village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

Declaration. Whenever an emergency, as defined in subsection (a) of this section exists, the Village President is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the Village President 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.

Curfew authorized. After proclamation of a Local State of Emergency by the Village President, he or she may order a general curfew applicable to such geographical areas of the Village or to the Village 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.

Orders authorized. After the proclamation of a Local State of Emergency, the Village President 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;
2. Approve previously appropriated expenditures of the Village 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 Village President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.
4. Cancel meetings of any board or commission to which the Village President 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.
5. Suspend licenses, leases, or permits for special events or any other licenses, leases or permits issued by the Village which in the judgment of the Village President could impact the public health or well-being of residents or visitors to the community.
6. 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 Village of Hammond Municipal Code.
7. 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.
8. Enter into such temporary agreements, including memoranda of understanding with the Village's bargaining units in order to promote the provision of Village services and the health and safety of the public and employees during the emergency.
9. Close Village facilities as is reasonably required to protect the health of the public and employees of the Village.
10. Authorize the Village Attorney to extend any timeframe for payment or filing related to Village ordinance violations in recognition of the emergency.
11. Authorize the extension of deadlines for payment related to any amounts due and owing to the Village.
12. Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways.
13. Suspend or limit the use of the water resources or other infrastructure.
14. Suspend or limit burning of any items or property within the Village limits.
15. Direct and compel the evacuation of all or part of the population from any stricken or threatened areas within the Village if the Village President 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.
16. Approve applications for local, state, or federal assistance.
17. Establish and control routes of transportation, ingress or egress.

18. Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein.
19. Approve the transfer or direction of personnel or functions of Village departments and agencies for the purpose of performing or facilitating emergency or disaster services.
20. Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources.
21. Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure.
22. 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.
23. Waive compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law.

Duration. The declaration herein authorized shall be effective for a period of up to 30 (thirty) days or until the adjournment of the next regular or special meeting of the Village Board, whichever comes first, unless sooner terminated by a written declaration of the Village President, or, her interim emergency successor, indicating that the civil emergency no longer exists. The Village President or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30 (thirty) day period during the time said emergency exists.

Notice. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the Village, 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 Village: the Village Hall, the Hammond United Methodist Church, and the post office.

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 fined as follows:

- 1st Offense: \$180.00
- 2nd Offense: \$330.00
- 3rd Offense: \$580.00

Effect on other ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Ordinance, 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 THREE. Declaration of Emergency and Conduct of Meetings.

The Village Board of the Village of Hammond does hereby join the Village President in her previous declaration of an emergency and authorizes her to execute all powers detailed in this Ordinance for 30 (thirty) days, until the next regularly meeting of the Village of Hammond, or until the Village President rescinds the declaration of emergency, whichever comes first. The

Village Board may reauthorize the Village President to extend her 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 Village's ability; however, if needed, during this time period any regular or special meetings of the Village Board may be conducted at the call of the Village President or two Board 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, Village Board 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 Board of Trustees bill or to provide policy direction.

SECTION FOUR. Absence or incapacity of Village President.

In the event of the absence or incapacity of the Village President, the Village President's designee may perform any matter referred to herein. In the event of the absence or incapacity of the Village President, the Village President's designee shall only have the authority to Act until the Village Board can convene under the procedures as outlined in this Ordinance to appoint a Village President 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.

PASSED this 18th day of March, 2020, by a roll call vote as follows:

Voting in favor: Marsha, Donnie, Mike, Kim, Brad

Voting against: _____

Not voting: _____

Brenda Sebens, Village Clerk

APPROVED this 18th day of March, 2020.

Deborah Waldrop, Village President

CERTIFICATE

STATE OF ILLINOIS,)
)
COUNTY OF PIATT.) SS.

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Hammond, in the County and State aforesaid, and as such Clerk I am the keeper of the official journal, records and files of the Village Board of said Village.

I do further certify that the attached and foregoing is a full, true and correct copy of Ordinance No. 2020-09 entitled:

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

as adopted by the Village Board of the Village of Hammond, Piatt County, Illinois, at its legally convened meeting held on the 18th day of March, 2020, and signed by the Village President on the 18th day of March, 2020, all as appears from the official records of said Village, in my care and custody.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said Village of Hammond, Piatt County, Illinois, this 18th day of March, 2020.

Brenda Sebens, Village Clerk

(SEAL)

PAMPHLET PUBLICATION

ORDINANCE NO. 2020-09

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

PRESENTED: March 18, 2020

PASSED: March 18, 2020

APPROVED: March 18, 2020

RECORDED: * March 18, 2020

PUBLISHED: * March 18, 2020

*Municipality's records.

The undersigned being the duly qualified and acting Village Clerk of the Village of Hammond, Illinois, does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

Brenda Sebens, Village Clerk

(SEAL)