

**CITY OF MADISON, ILLINOIS**

**ORDINANCE NO. 1863**

**AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**

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**WHEREAS**, the City of Madison, Illinois 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 of Madison now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the City of Madison.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The facts and statements set forth in the Preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2:** That Chapter 41, Sections 1-8, entitled "Civil Emergencies" of the City Code is hereby adopted and which shall read as follows:

## CHAPTER 41 – CIVIL EMERGENCIES

**41.001 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 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.

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.

**41.002 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.

**41.003 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.

**41.004 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 this issue caused threatened by the emergency, make 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 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) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;

**41.005 Duration.** The declaration herein authorized shall be effective for a period of up to 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 proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil 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 30 day period during the time said emergency exists.

**41.006 Notice.** Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the City, and shall cause at least four 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, the post office, and in the area of any curfew.

**41.007 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.

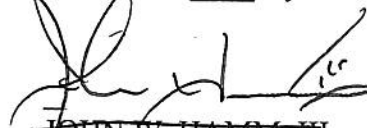
**41.008 Effect on other ordinances.** Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.


**SECTION 4:** 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** by the City Council of the City of Madison, Illinois this 9<sup>th</sup> day of November 2020.

**APPROVED** by the Mayor of the City of Madison, Illinois this 9<sup>th</sup> day of November 2020.

  
JOHN W. HAMM, III  
MAYOR

ATTEST:

  
CITY CLERK

**DECLARATION OF LOCAL STATE OF EMERGENCY**

State of Illinois

County of Madison

City of Madison, Illinois

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act, Section 3305/11 and Ordinance # 1803 of the City of Madison, I, John Hamm, the Mayor of Madison do hereby declare that a Local State of Emergency exists as of this date, ~~March~~ Nov 9, 2020, and shall continue until such time as provided in Ordinance # 1803.

Out of an abundance of caution in response to the recent outbreak of COVID-19, the City of Madison, along with the State of Illinois, recognizes the serious nature of exposure to the virus and the possible health consequences from the exposure and wishes to take steps to reduce the possible exposure by close contact.

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance # 1803.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, John Hamm, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

**NOTARY ACKNOWLEDGMENT**

On this 9<sup>th</sup> day of November, 2020, personally appeared the above-named John Hamm and acknowledged the foregoing to be his free act and deed, before me.

*Dawn Leona Davis*  
Notary Public

DAWN LEONA DAVIS  
Print

My commission expires: 10-15-21

(Seal)

