

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EMERGENCY POWER OF THE MAYOR

WHEREAS, the City of Peoria, Peoria County, Illinois (“City”), is a home rule unit of government and, pursuant to the provisions of said Section 6(a) of Article VII, 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, the City of Peoria, Peoria 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 amend 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

That Chapter 7 (Emergency Services and Disaster Agency), Article II (Emergency Services and Disaster Agency), Section 7-35.2 (Emergency Power of the Mayor) is hereby amended as follows:

7.35.2 – Emergency Power of the Mayor. The Mayor or his designee shall have the power to declare that a disaster, as defined in Section 7-26 exists. After declaring an emergency under Section 7-26 or under this Section, the Mayor will have the following emergency powers:

(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:

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.

(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 designation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issues 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;

(e) 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.

(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: City Hall, the Police Station and the Fire Station. Said Notice will also be posted online on the City's website.

(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 1-5 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.

ARTICLE 3

EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage.

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 24th day of March, 2020.

AYES:

NAYS:

ABSENT:

APPROVED:

Jim Ardis, Mayor

ATTEST:

Beth Ball, City Clerk

EXAMINED AND APPROVED:

Corporation Counsel