

CITY OF GENOA  
DEKALB COUNTY, ILLINOIS

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ORDINANCE NO. 2020 - 08

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ADOPTED BY  
THE MAYOR AND  
CITY COUNCIL  
OF THE  
CITY OF GENOA

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AN ORDINANCE AMENDING TITLE 1, ADMINISTRATION, CHAPTER 5,  
MAYOR, OF THE CITY OF GENOA MUNICIPAL CODE TO ADD A  
PROVISION FOR A LOCAL DISASTER DECLARATION AND ESTABLISH  
THE POWER AND AUTHORITY OF THE MAYOR DURING A STATE OF  
EMERGENCY

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Adopted March 17, 2020, by the Mayor and City Council of the City of Genoa,  
DeKalb County, Illinois, and approved and published in pamphlet form  
this 17<sup>th</sup> day of March 2020.

**ORDINANCE NO. 2020-08**

**AN ORDINANCE AMENDING TITLE 1, ADMINISTRATION, CHAPTER 5, MAYOR, OF THE CITY OF GENOA MUNICIPAL CODE TO ADD A PROVISION FOR A LOCAL DISASTER DECLARATION AND ESTABLISH THE POWER AND AUTHORITY OF THE MAYOR DURING A STATE OF EMERGENCY**

**WHEREAS**, pursuant to 65 ILCS 5/11-1-6, the corporate authorities of the City may, by ordinance, grant to the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

**WHEREAS**, under 65 ILCS 5/11-1-6, the Mayor shall not exercise such extraordinary power and authority except after the Mayor has signed, under oath, a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists; and

**WHEREAS**, such states of emergency are intended to be limited in time and are intended by statute to expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared; and

**WHEREAS**, the Mayor and City Council wish to ensure that, in the event of a public health threat or other situation that would prevent the City Council from convening for regular or special meetings in a manner consistent with the Open Meetings Act, the City shall be able to maintain a continuity of operations to meet the health, safety and welfare needs of its citizens; and

**WHEREAS**, Coronavirus disease 2019 (COVID-19) is a potentially severe acute respiratory infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). The virus was first identified as the cause of an outbreak of pneumonia of unknown cause in Wuhan City, Hubei Province, China, in December 2019; and

**WHEREAS**, on March 9, 2020, Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster area; and

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

**WHEREAS**, Governor Pritzker issued Executive Order 2020-04 (COVID-19 Executive Order No. 2), cancelling all public and private gatherings in the State of Illinois of 1,000 people or more to implement social distancing; Governor Pritzker issued Executive Orders 2020-05 and 2020-06 (COVID-19 Executive Order Nos. 3 and 4), closing all public and private schools through March 30, 2020; and Governor Pritzker issued Executive Order 2020-07 (COVID-19 Executive Order No. 5) suspending service at bars and restaurants in the State of Illinois to the public through March 30, 2020 and limiting all public and private gatherings in the State of Illinois of 50 people or more to implement social distancing; 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 Mayor and City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

**SECTION 1:** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION 2:** Title 1, Administration, Chapter 5, Mayor, of the City of Genoa Municipal Code is hereby amended to add Section 1-5-4, State of Emergency, which shall read as follows:

**1-5-4: 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:

**EMERGENCY:** (a) 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 (b) any natural disaster, epidemic, or man-made 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 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; or (c) any public health threat when a state of emergency, disaster proclamation or other comparable designation has been declared at either the State of Illinois or DeKalb County level, and in the event of either (a), (b), or (c) the City Council cannot safely or practically meet in a timely manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*) to authorize City action.

**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 emergency.

- B. Declaration of Emergency. Whenever an emergency as defined in Section 1-5-4(A) exists, the Mayor is authorized to declare the existence of a Local State of Emergency and shall sign, under oath, a statement finding that an emergency, as defined in that section, exists and setting forth facts to substantiate such findings including a description of the nature of the

emergency. This statement shall be filed with the City Clerk as soon as practicable.

- C. Effectiveness. The determination that a Local State of Emergency exists shall be effective for a period of thirty (30) days and shall terminate earlier either (1) by a signed statement by the Mayor or his or her interim emergency successor, submitted to the City Clerk, that the need for the Local State of Emergency has ended; or (2) upon the call to order of the first regular or special meeting of the City Council after the Local State of Emergency has been declared, whichever is sooner. The Mayor or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.
- D. Notification. When reasonably practical and safe, upon issuing the declaration of a Local State of Emergency herein authorized, the Mayor shall cause the declaration to be posted in a prominent place at City Hall, the police station, the post office, in the area of any curfew, and upon the City's web site. The City Clerk shall notify the news media situated within the City.
- E. Violations. Any person who violates this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be fined in accordance with Section 1-4-1.
- F. 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:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5:** This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

ADOPTED THIS 17 day of March, 2020.

AYES: 7- Wesner, Carroll, Winter, Cravatta, Bust, Lang  
Mayor Pro Tem Stevenson

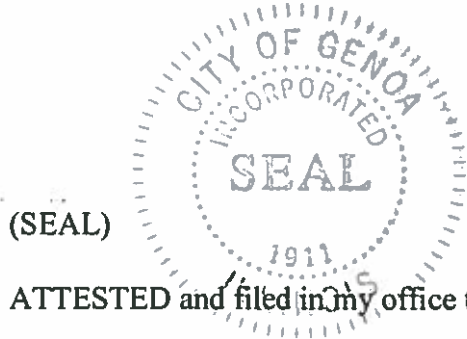
NAYS: 0

ABSTAINED: 1-DiGuido

ABSENT: 0

PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this 17 day of March, 2020.

Approved by me this 17 day of March, 2020.



[Signature]  
James Stevenson, Mayor Pro Tem

ATTESTED and filed in my office this 18 day of March, 2020

[Signature]  
Kim Winker, City Clerk