

CITY OF VILLA GROVE  
DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2020-MC04

**AN ORDINANCE CREATING TITLE III, CHAPTER 40 OF THE  
MUNICIPAL CODE OF THE CITY OF VILLA GROVE  
“EMERGENCY POWERS”**

PASSED BY THE CITY COUNCIL AND  
APPROVED BY THE MAYOR OF THE  
CITY OF VILLA GROVE, ILLINOIS  
THIS TWENTIETH DAY OF MARCH, 2020

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PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF  
VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, THIS TWENTY-FIRST DAY OF MARCH A.D. 2020.

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March 20, 2020

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“EMERGENCY POWERS”**

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**WHEREAS**, the City of Villa Grove, Douglas County, State of Illinois, hereinafter “City” is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

**WHEREAS**, the City is within the jurisdiction of and served by the State of Illinois Emergency Management Agency; and

**WHEREAS**, the City is not required by the Illinois Emergency Services and Disaster Agency Act (20 ILCS 3305 et seq.) to have an emergency services and disaster agency; and

**WHEREAS**, 65ILCS 5/11-1-6 provides the City the authority to adopt an ordinance which grants the Mayor special powers during a state of emergency; and

**WHEREAS**, section 5/11-5-2 of the Illinois Municipal Code (65 ILCS 5/11-5-2) authorizes corporate authorities to prevent or suppress riots, routs, affrays, noises, disturbances, trespasses, and disorderly assemblies in public or private places; and

**WHEREAS**, section 3305/11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11) authorizes the principal executive officer of a political subdivision, or his or her interim emergency successor to declare a local disaster; and

**WHEREAS**, section 3305/10 of the Illinois Emergency Management Agency Act (20 ILCS 3305/10) requires a municipality that does not have an emergency services and disaster agency to have a liaison officer designated to facilitate the cooperation and protection of the municipality with the county emergency services and disaster agency in which it is located; and

**WHEREAS**, the City is a unit of local government as defined in the Illinois Constitution of 1970 and as such, it has the authority under the Illinois Intergovernmental Cooperation Act (5 ILCS 220 et seq.) to enter into agreements with other municipal corporations or political subdivisions of the state; and

**WHEREAS**, sections 5/1 and 5/2 of the Illinois Emergency Government Relocation Act (50 ILCS 5/1 and 5/2), authorize municipalities to conduct their government business and affairs after enemy attack or in anticipation of enemy attack in an emergency temporary location; and

**WHEREAS**, section 11-59-1 of the Illinois Municipal Code (65 ILCS 5/11-59-1) authorizes municipalities to provide for the continuity of their administrative and legislative functions in the event of an attack upon the United States; and

**WHEREAS**, the Illinois Emergency Interim Executive Succession Act (5 ILCS 275/1 et seq.) authorizes municipalities to provide for the emergency interim successors of its officers; and

**WHEREAS**, Illinois municipalities have all powers expressly granted to it or necessarily implied to have by Illinois statutes; and

**WHEREAS**, Illinois law provides authority for municipalities to do all acts and make all regulations which may be necessary or expedient for the promotion of the health, safety, and welfare of the public; and

**WHEREAS**, the regulation of emergencies and disasters within the corporate boundaries of the City is a matter which affects the health, safety and general welfare of the citizens of the City; and

**WHEREAS**, the Mayor and the City Council specifically find that the passage of this Ordinance will promote the health, safety, and welfare of the City.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL, CITY OF VILLA GROVE, DOUGLAS COUNTY, ILLINOIS, as follows:**

SECTION 1: Incorporation Clause. The Mayor and City Council of the City of Villa Grove, Illinois hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance.

SECTION 2: Code of Villa Grove Amendment. That following Title III, Chapter 40 of the City of Villa Grove Code of Ordinances entitled "Emergency Powers" is now hereby amended to read as follows:

## **CHAPTER 40: EMERGENCY POWERS**

### **§ 40.01 DEFINITIONS.**

For the purposes of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section. Alcoholic liquor or liquor shall have the meaning set forth in the City Code of Ordinances as they regulate alcohol.

Attack - shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes, as defined by the Illinois Emergency Interim Executive Succession Act, 5 ILCS 275/3(d), and as may be hereinafter amended.

Curfew - shall mean a prohibition declared by the Mayor during a state of emergency or disaster against any person or persons (except officials of any governmental authority acting with respect to a state of emergency or disaster) being upon any alley, street, highway, parkway, sidewalk, park, playground, parking lot, public property, other open private property, or open private land adjacent to any of the foregoing within the hours specified by the Mayor in the proclamation or declaration establishing such curfew.

Disaster - shall mean an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended. Emergency operations plan shall mean the written plan of the City describing the organization, mission, and functions of the City and supporting services for responding to and recovering from disasters and shall include plans that take into account the needs of those individuals with household pets and service animals following a major disaster or emergency, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, as amended. Emergency management shall mean the efforts of the state, the City, and other political subdivisions of the state to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery, as provided by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

Mobile support team - shall mean a group of individuals designated as a team by the governor or director of the Illinois Emergency Management Agency ("IEMA") to train prior to and to be dispatched, if the governor or director of IEMA so determines, to aid and reinforce the state and political subdivision emergency management efforts in response to a disaster, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

Public health emergency - shall mean an occurrence or imminent threat of an illness or health condition that: (a) is

believed to be caused by any of the following: (i) bioterrorism; (ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; (iii) a natural disaster; (iv) a chemical attack or accidental release; or (v) a nuclear attack or accident; and (b) poses a high probability of any of the following harms: (i) a large number of deaths in the affected population; (ii) a large number of serious or long-term disabilities in the affected population; or (iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population, as defined by the Illinois Emergency Management Agency Act, 20 ILCS 3305/4, and as may be hereinafter amended.

State of Emergency - shall mean any riot, rout, affray, disorderly assembly or unlawful assembly by three (3) or more persons acting together which is determined by the Mayor to be substantially characterized by the use of actual force or violence or by a clear and present danger of the use of force and violence against persons or property in the City or by the clear and present danger of the use of force and violence so as to interfere with the lawful and peaceable exercise of rights by persons within the City or the lawful and peaceable use of property within the City, as authorized by the Illinois Municipal Code, 65 ILCS 5/11-5-2, and as may hereinafter be amended.

#### **§ 40.02 DECLARATION OF STATE OF EMERGENCY.**

- A. Whenever the Mayor shall determine that a state of emergency exists in accordance with the standards of the definition of "state of emergency" as set forth in this article, the Mayor shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the City as may be reasonably necessary or appropriate to respond to the emergency; provided, that prior to exercising any such extraordinary power and authority, the Mayor shall have executed, under oath, a written

declaration of a state of emergency containing the following:

1. A statement of certain facts known to the Mayor, either directly or upon information and belief, which are believed by him/her to constitute a state of emergency;
2. An express declaration that a state of emergency exists; and
3. Such further orders and directives as the Mayor may deem necessary or appropriate for the protection of the health, safety, and general welfare of the public.

B. In the absence of the Mayor, the same power and authority stated in paragraph (A) of this section shall be granted to those persons in the following line of succession:

1. City Administrator or acting City Administrator.
2. Mayor pro tempore.
3. Police Chief or acting Police Chief.

#### **§ 40.03 DECLARATION OF LOCAL DISASTER.**

As authorized by the Illinois Emergency Management Agency Act, 3305/11, as may be hereinafter amended:

A. Whenever the Mayor shall determine that a disaster exists within the City limits and in accordance with the standards of the definition of "disaster" as set forth in this article, the Mayor shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the City as may be reasonably necessary to or appropriate to eliminate or minimize the dangers arising from the disaster and for the protection of the health, safety, and welfare of the public; provided that prior to exercising any such extraordinary power and authority,

the Mayor shall have executed under oath a written declaration of a local disaster containing the following:

1. A statement of certain facts known to the Mayor, either directly or upon information and belief, which are believed by him/her to constitute a local disaster;
  2. An express declaration that a local disaster exists; and
  3. Such further orders and directives as the Mayor may deem necessary or appropriate for the protection of the health, safety, and general welfare of the public.
- B. In the absence of the Mayor, the same power and authority stated in paragraph (A) of this section shall be granted to those persons in the following line of succession:
1. City Administrator or acting City Administrator.
  2. Mayor pro tempore.
  3. Police Chief or acting Police Chief.
- C. The effect of the Mayor's declaration of a local disaster is to activate the City's emergency operations plan and to authorize the furnishing of aid and assistance thereunder.

#### **§ 40.04 CURFEW; REGULATION OF CERTAIN BUSINESSES.**

As authorized by the Illinois Emergency Management Agency Act, 3305/11, as may be hereinafter amended, concurrently with the execution of a declaration of a state of emergency or a declaration of a local disaster as provided under this Article, or at any time after such declaration but prior to the expiration thereof, the Mayor may in his/her sole discretion and in the interest of public safety and welfare make any one or more or all of the following orders:

- A. Order the imposition of a curfew within certain hours specified by the Mayor in the order imposing such curfew;
- B. Order such other safeguards and precautions as are, in the opinion of the Mayor, necessary or appropriate for the protection of life and property in the City and for the elimination of such state of emergency, local disaster, or public health emergency; provided, however, that such orders shall not supersede the regularly constituted authority of the City Administrator, police chief, fire chief, or public works director.

**§ 40.05 ORDERS AUTHORIZED.**

Concurrently with the execution of a declaration of a state of emergency or a declaration of a local disaster as provided under this Article, or at any time after such declaration but prior to the expiration thereof, the Mayor 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:

- A. All actions reasonably necessary to respond to the emergency; and
- B. Approve payment of previously budgeted expenditures of the City for the purpose of continuing operations of the municipality; and
- C. In the event that the state of emergency or local disaster 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 emergency; and
- D. Cancel meetings of any City Council meeting, or board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board as specified in the cancellation notice; and
- E. Suspend licenses, leases or permits for special events issued by the City which in the judgment of the Mayor could impact the public health or well-being of residents or visitors to the community; and

- F. Close city facilities as is reasonably required to protect the health of the public and employees of the City; and
- G. Authorize the extension of deadlines for payment related to any amounts due and owing to the City; and
- H. Approve application for local, state and federal assistance as needed.

**§ 40.06 PUBLICATION OF DECLARATION OF STATE OF EMERGENCY AND/OR LOCAL DISASTER.**

As authorized by the Illinois Municipal Code, 65 ILCS 5/11-1-6 and the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, as they may hereinafter be amended, as promptly as practicable after the execution of any order or proclamation by the Mayor declaring, continuing, or terminating a state of emergency or a local disaster, pursuant to the provisions of this article, such declaration shall be filed with the City Clerk and published by posting notices thereof at the following locations and transmitting through the following mediums:

- A. On the outside of the front door of the City's Administrative and Billing Offices;
- B. On the outside of the front door of the City police and fire stations;
- C. On the outside of the front door of the United States Post Office in the City;
- D. On the City's website as is practicable;
- E. Through social media and other electronic mediums for broadcast and publication if possible; and
- F. At such other place or places within the City as the Mayor may in his/her discretion direct.

In addition, the Mayor may direct that copies of such declaration of a state of emergency or local disaster be delivered as soon as practicable to any newspapers published or circulated within the City and to such radio, television and other broadcasting stations either within or without the City as may be reasonably necessary or appropriate to effect notice of such declaration of a state of emergency or local disaster to persons within the City as promptly as practicable. Nothing contained in this section shall be a condition to any lawful arrest, prosecution or conviction of any person for a violation of any provisions

of this article, provided that the Mayor shall not have arbitrarily or capriciously failed or refused to publish a declaration of a state of emergency or a local disaster in accordance with the provisions hereof.

**§ 40.07 EFFECTIVE PERIOD OF DECLARATION OF STATE OF EMERGENCY.**

As authorized by the Illinois Municipal Code, 65 ILCS 5/11-1-6, as may hereinafter be amended, a state of emergency may be declared terminated at any time by the Mayor by a written declaration executed by the Mayor and published in the manner provided by this Article, and in any event a declaration of a state of emergency shall expire and terminate automatically and without any further act by the Mayor not later than the adjournment of the first regular meeting of the City Council after execution of the declaration of emergency; provided however, that the City Council may from time to time thereafter, by motion, extend such state of emergency and any orders issued by the Mayor in connection therewith until a time fixed in such motion, but not later than:

- A. The adjournment of the next succeeding meeting of the City Council; or
- B. Forty-eight (48) hours after the time of such extension whichever shall first occur.

**§ 40.08 EFFECTIVE PERIOD OF DECLARATION OF LOCAL DISASTER.**

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, as may hereinafter be amended, any declaration of a local disaster authorized by this article shall be effective for seven (7) days, at which time the City Council shall meet in regular or special session to determine whether or not the local disaster still exists. If, in the opinion of the majority of the City Council the local disaster still exists, the declaration and any order of the Mayor shall continue in effect until the next regular meeting of the City Council, unless terminated by a written declaration of the Mayor indicating that the emergency no longer exists or terminated by a majority vote at a special meeting called for such purpose. Such declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the City Council.

**§ 40.09 EMERGENCY LOCATIONS; GOVERNMENTAL POWERS.**

- A. Whenever, due to a declaration of a state of emergency resulting from the effects of enemy attack or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the corporate authorities may meet at any place within or outside of the City limits on the call of the Mayor or any two (2) members of the City Council, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of government where all, or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the City, provided that the City has the consent of the public/private owner, as defined by the Illinois Emergency Government Relocation Act, 50 ILCS 5/1, and as may hereinafter be amended.
  
- B. During the period when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of the City shall have and possess and shall exercise at such location or locations, all of the executive, legislative, and judicial powers and functions conferred upon such body and officers by or under the laws of the State of Illinois. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of the City, as defined by the Illinois Emergency Government Relocation Act, 50 ILCS 5/2, and as may hereinafter be amended.

**§ 40.10 LIAISON OFFICER.**

The City Administrator shall serve as the City's emergency management coordinator and, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10, as may hereinafter be amended, shall serve as the City's liaison officer who shall facilitate the cooperation and protection of the City in the work of disaster mitigation, preparedness, response, and recovery with applicable governmental bodies, relief services, police & emergency authorities, and any other organizations. In the event of the absence, resignation, death or inability of the City Administrator to serve as the emergency management coordinator and as the liaison officer, the City's Public Information Officer shall serve as the emergency management coordinator and as the liaison officer. In the absence of either the City Administrator or the City's Public Information Officer, the same power and authority stated above, shall be granted to those persons listed in the following line of succession:

- A. Police Chief
- B. Fire Chief
- C. Assistant Fire Chief
- D. Public Works Director
- E. Person appointed by the Mayor and confirmed by the City Council at its earliest opportunity.

**§ 40.11 EMERGENCY OPERATIONS PLAN (EOP).**

The Emergency Operations Plan of the Douglas County Emergency Management Agency shall be followed as practicably as possible.

In the absence of such county plan, the liaison officer shall prepare for the corporate authorities of the City, an emergency operations plan which shall conform to the tenets of the National Incident Management System and shall serve as a link between the City, and other local municipalities and the State of Illinois in disaster response and recovery efforts, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 et seq, as may hereinafter be amended

#### **§ 40.12 EMA NOTIFICATION.**

The Mayor or his/her designee shall annually notify the Douglas County Emergency Management Agency and the Illinois Emergency Management Agency of the manner in which the City is providing or securing emergency management, identify the City's liaison officer and furnish such other information requested and authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(f), as may hereinafter be amended.

#### **§ 40.13 MUTUAL AID AGREEMENTS; MEMORANDUMS OF UNDERSTANDING.**

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(j), as may hereinafter be amended, the City liaison officer or the City Administrator may negotiate new mutual aid agreements, or revise existing agreements with other municipal corporations or political subdivisions of the state, however, no such agreement shall be effective until it has been approved by the City Council. However, those mutual aid agreements already in effect shall remain in effect. The City liaison officer or the City Administrator may negotiate new memorandums of understanding, or revise existing memorandums of understanding with private entities for the provision of shelter, goods and services for City residents during a declaration of local disaster however, no such memorandum of understanding shall be effective until it has been approved by the City Council. However, those memorandums of understanding already in effect shall remain in effect.

#### **§ 40.14 PURCHASES AND EXPENDITURES.**

In the event of a declaration of a local disaster or public health emergency, the Mayor, City Administrator, and City Liaison are authorized, on behalf of the City, to procure such shelter, services, supplies, equipment or material as may be necessary in view of the exigency without regard to statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, provided that the Mayor, City Administrator and City Liaison, where reasonably available, shall all agree to each act of procurement to be made under this section, as authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/10(j), as may hereinafter be amended.

**§ 40.15 DECLARATION OF DISASTER BY GOVERNOR.**

A proclamation of disaster by the Governor of Illinois pertaining to any part of the geographic area of the City shall activate the City's emergency operations plan and authorizes the deployment and use of any forces that the emergency operations plan applies and as well as the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or arranged to be made available under any mutual aid agreement, memorandum of understanding or other lawful arrangement relating to disasters, as provided by the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(11), as may hereinafter be amended.

**§ 40.16 MOBILE SUPPORT TEAM.**

As authorized by the Illinois Emergency Management Agency Act, 20 ILCS 3305/8, as may hereinafter be amended, employees and officers of the City who are called by the Governor or the director of the Illinois Emergency Management Agency to serve on a mobile support team shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Employees of the City who are not normally paid for their services shall receive at least one dollar per year compensation from the state of Illinois for serving on a mobile response team when called to do so by the Governor or the director of the Illinois Emergency Management Agency.

**§ 40.17 VIOLATIONS.**

Any person who violates the provisions of any curfew declared or order made by the Mayor pursuant to the provisions of this article shall be guilty of a violation of this ordinance and shall be subject to the appropriate fine and/or imprisonment as provided by local, state or federal statute.

SECTION 3: Other Actions Authorized. That the Mayor, City Clerk and City Employees are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

SECTION 4: Acts of City Officials. That all acts and doings of the officials of the City, past, present and future which are in conformity with the purpose and intent of this Ordinance, are hereby in all respects, ratified, approved, authorized and confirmed.

SECTION 5: Headings. The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation of construction of any substantive provisions of this ordinance.

SECTION 6: Severability. The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

SECTION 7: Superseder and Publication. All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

SECTION 8: Effective Date. This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

**PRESENTED, PASSED, APPROVED AND ADOPTED** BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VILLA GROVE, ILLINOIS, at its emergency meeting on this twentieth day of March, A.D., 2020, by a roll call vote as follows:

Blaney, Thelma I. yea

Hooker, Anthony L. yea

Eversole-Gunter, Cassandra A. \_\_\_\_\_

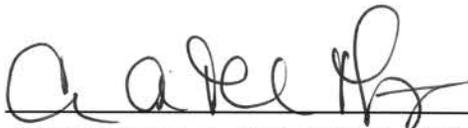
Johnson, Derek S. yea

Garrett, Ryan P. yea

Pangburn, Matthew M. yea

Griffith, Darrel M. yea

APPROVED:

  
\_\_\_\_\_  
CASSANDRA A. EVERSOLE-GUNTER  
Mayor

ATTEST:

  
\_\_\_\_\_  
MICHELLE L. OSBORNE  
City Clerk

SEAL

