



VILLAGE OF BARTONVILLE
OFFICE OF VILLAGE CLERK
5912 S. ADAMS STREET
BARTONVILLE, IL. 61607
Phone: 309-633-2053 Fax:309-633-2056
Email: clerkbtnvlg@yahoo.com

CERTIFICATION

The following document is hereby certified in pamphlet form to be:

Ordinance No. 1832

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

On this date: March 23, 2020

By: Michelle Carr-Bruce

Title: Village Clerk



ORDINANCE NO. 1832

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

WHEREAS, the Village of Bartonville, Peoria County, Illinois (“Village”), 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

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 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 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

Chapter 2, Article VI, entitled “LOCAL STATE OF EMERGENCY,” of the Village of Bartonville’s Code of Ordinances is hereby created and adopted, which shall read as follows:

“Division 1. - Generally

2-267. – Definitions. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) Emergency: (1) A “Disaster” as defined in the Illinois Emergency Management Agency Act (20 ILCS 3305/1 *et seq.*, as hereinafter amended); (2) 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 (3) Any natural disaster, epidemic or pandemic, or manmade calamity, including outbreak of disease, virus, 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.

- (b) 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.
- (c) Mayor: the chief executive officer of the Village, or the "President" as described in Chapter 2, Article II of this Code.

2-678. - Declaration of Local State of Emergency. Whenever an emergency, as defined in Section 2-267 of this Article exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written "*Declaration of Local State of Emergency*" 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 Chapter. This Declaration of Local State of Emergency must be filed with the municipal clerk as soon as practicable after issuance. The issuance of a Declaration of Local State of Emergency hereunder shall be considered a "Local Disaster Declaration" as set forth in the Illinois Emergency Services Act (20 ILCS 3305/1 *et seq.*) and/or a declaration of a state of emergency under Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), as applicable under said statutory provisions.

2-679. - Curfew Authorized. After the Declaration of a Local State of Emergency by the Mayor, he or she may, by executive order, 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.

2-680. - Orders Authorized. After the Declaration of a Local State of Emergency by the Mayor, the Mayor may also, in the interest of public safety and welfare, and to address the issues caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency:

- (a) Order all actions reasonably necessary to respond to the emergency or as are imminently necessary for the protection of life and property;
- (b) Approve previously appropriated expenditures of the Village of Bartonville for the purpose of continuing the operations of the municipality;
- (c) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor may approve new spending by the Village of Bartonville during the existence of the Local State of Emergency.
- (d) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer and/or 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;

- (e) 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 and/or order the discontinuance of selling, distributing, dispensing or giving away of explosives or explosive agents, firearms or ammunition of any character whatsoever;
- (f) Order the control, restriction and regulation within the Village by rationing, issuing quotas, fixing or freezing prices, allocating the use, sale or distribution of food, fuel, clothing and other commodities, materials, goods or services or the necessities of life;
- (g) Order Village employees or agents, on behalf of the Village, to take possession of any real or personal property of any person, or to acquire full title or such lesser interest as may be necessary to deal with a disaster or emergency, and to take possession of and for a limited time, occupy and use any real estate to accomplish alleviation of the disaster, or the effects thereof. In the event any real or personal property is utilized by the Village, the Village shall be liable to the owner thereof for the reasonable value of the use or for just compensation as the case may be;
- (h) Order restrictions on ingress or egress to parts of the Village to limit the occupancy of any premises;
- (i) To make provision for the availability and use of temporary emergency housing;
- (j) Temporarily suspend, limit, cancel, convene, reschedule, postpone, continue, or relocate all meetings of the Village Board of Trustees, and any Village committee, commission, board, authority, or other Village body as deemed appropriate by the Mayor;
- (k) Require closing of business establishments;
- (l) Prohibit the sale or distribution within the Village of any products which could be employed in a manner which would constitute a danger to public safety;
- (m) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways;
- (n) Temporarily suspend or modify, for not more than sixty (60) days, any regulation or ordinance of the Village, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the Village Board of Trustees;
- (o) Suspend or limit the use of the water resources or other infrastructure;
- (p) Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services and resources;
- (q) Direct and compel the evacuation of all or part of the population from any stricken or threatened areas within the Village if the mayor 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;

- (r) Establish and control routes of transportation, ingress or egress;
- (s) Control ingress and egress from any designated disaster or emergency area or home, building or structures located therein;
- (t) Approve the transfer of personnel or functions of Village departments and agencies for the purpose of performing or facilitating emergency or disaster services;
- (u) Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources;
- (v) Require the continuation, termination, disconnection, or suspension of natural gas, electrical power, water, sewer, communication or other public utilities or infrastructure;
- (w) Close or cancel the use of any municipally owned or operated building or other public facility;
- (x) Approve, and/or direct a designated Village official to 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;
- (y) Approve, and/or direct a designated Village official to 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 Local State of Emergency;
- (z) 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 Illinois Department of Public Health or Peoria County Health Department, to the extent permitted by law;
- (aa) Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law;
- (bb) Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, and welfare of persons or property within the Village, including Village employees and personnel, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

2-681. - Duration. The Declaration of Local State of Emergency authorized in this Article shall be effective for a period of up to twenty-one (21) days or until the adjournment of the next regular or special meeting of the Village Board of Trustees, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the 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 twenty-one (21) day period, or after the adjournment of the next regular or special meeting of the Village Board of Trustees, during the time said emergency exists.

2-682. - Notice. Upon issuing the written Declaration of Local State of Emergency authorized in this Article, the Village Clerk shall notify the news media situated within the Village, and shall cause at least four copies of the Declaration of Local State of Emergency declaring the existence of the emergency and any information pertaining to a curfew to be posted at the following places within the Village: on the Village's website, the Village Hall, the police and fire stations, and somewhere in the area of any curfew (if applicable), such as a public roadway, public building, or terrace.

2-683. - Violations. Any person violating the provisions of this Article or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished by a fine of no less than Two Hundred and Fifty and No/100 Dollars (\$250.00) and no more than Seven Hundred Fifty and No/100 Dollars (\$750.00).

2-684. - Effect on Other Ordinances. Nothing contained in this Article 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 Village.

2-685. - Local, State and Federal Assistance. After the Declaration of Local State of Emergency, the Mayor may in the interest of public safety and welfare take all necessary actions to seek or otherwise approve any local, state, or federal assistance, as well as any necessary applications therefor."

ARTICLE 3

EFFECTIVE DATE: This Ordinance shall be immediately in full force and effect upon the passage and adoption of this Ordinance on the _____ day of March, 2020.

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.

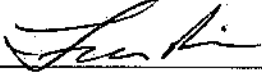
Passed the 23 day of March, 2020.

AYES: 6


NAYS: —

Absent: —

Approved this 23 day of March, 2020.



Mayor

ATTEST: ~


Village Clerk

