**ORDINANCE NO. 2020-17**

**AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS DECLARING A STATE OF EMERGENCY AND ESTABLISHING GUIDANCE FOR CERTAIN BUSINESSES WHICH HAVE BEEN CLOSED AS A RESULT OF THE COVID-19 PANDEMIC**

**WHEREAS,** the Village of Poplar Grove, Illinois ("Village") is an Illinois municipal corporation with such powers and duties as set forth in the Illinois Municipal Code; and

**WHEREAS,** COVID-19 is a pandemic that has necessitated the imposition of national, state and local actions/orders to help mitigate the spread of the COVID-19 virus, including, but not limited to Executive Orders issued by Illinois Governor Pritzker that prohibit certain businesses from being open; and

**WHEREAS**, 65 ILCS 5/11-1-6 provides that a municipality may make a declaration of a state of emergency and states that "the corporate authorities of each municipality 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**, to protect the life, health and safety of the citizens of the Village of Poplar Grove, it is prudent, reasonable and necessary to take extraordinary precautions and the Village desires to provide for the exercise of extraordinary powers by executive order of the Village President during the state of emergency; and

**WHEREAS**, in light of the state of emergency declared by the Governor of the State of Illinois, the Village Board of Trustees desires to authorize the Village President of the Village to take such emergency measures and action as the Village President deems reasonably necessary (subject to applicable federal, state and local laws) to address the COVID-19 pandemic, including, but not limited to, those emergency powers referenced in 65 ILCS 5/11-1-6; and

**WHEREAS**, recently, Governor Pritzker announced his "Restore Illinois" Plan to reopen the State of Illinois; and

**WHEREAS**, the Village has been placed in the North Central Region of the Governor's "Restore Illinois" Plan; and

**WHEREAS,** the Governor has not outlined any legal authority for the "Restore Illinois" Plan nor has said Plan been lawfully adopted by the Illinois Legislature; and

**WHEREAS**, the Restore Illinois Plan utilizes a phased approach to the reopening of businesses and as such, certain businesses are to remain closed pursuant to prior issued Executive Orders until such time as allowed under the phased Plan; and

**WHEREAS,** the Governor, in a recent press conference, has indicated that the entire State

of Illinois is in Phase 2, and that the North Central Region is on track to advance to Phase 3 by May 29, 2020; and

**WHEREAS,** the Governor has noted in his May 11, 2020 press conference that the North Central Region meets the positivity rate at 9.1% (well below the rate cap of 20%) and hospital metrics (no overall increase in hospitalization rates and med surge bed availability at 41.1%, ICU bed availability at 40.6% and ventilator availability is 64.9%) availability necessary to move to Phase 3 of the Plan; and

**WHEREAS**, there is uncertainty as to whether the Executive Orders issued by Governor Pritzker are legally enforceable at this time; and

**WHEREAS**, the case of Darren Bailey v. Governor Jay Robert Pritzker (Case No. 2020 CH 6) is currently pending in the Fourth Judicial Circuit, Clay County, Illinois wherein the Plaintiff challenges the validity of the Executive Orders following a finding by a District Court Judge that the Executive Order is unconstitutional; and

**WHEREAS**, further, businesses in Illinois are at a disadvantage compared to businesses in neighboring states as the State of Iowa does not have a stay at home order and Wisconsin Governor, Tony Evers, has recently allowed nearly all non-essential retail stores to reopen, subject to restrictions; and

**WHEREAS**, certain local governments in the State of Illinois are not strictly enforcing or are not enforcing Governor Pritzker's Executive Orders:

- LaSalle County (refusal by State's Attorney)
- Woodland County (refusal by State's Attorney)
- Scott County (refusal by State's Attorney)
- Moultrie County (refusal by State's Attorney)
- Kankakee County (refusal by Sheriff)
- Tazwell County (refusal by Sheriff)
- Douglas County (refusal by Sheriff)
- Marion County (refusal by Sheriff)
- Jefferson County (refusal by Sheriff)
- Williamson County (refusal by Sheriff)
- Johnson County (refusal by Sheriff)
- Pike County (resolution by County Board)
- Clark County (resolution by County Board)
- Certain municipalities in Carrol County, Tazwell County, Madison County, Wayne County, Franklin County (Refusal by Mayor and/or local police department)

**WHEREAS,** in light of the uncertainty as to the validity of Governor Pritzker's Executive Orders and the more favorable business climate in neighboring states, the Village anticipates that some businesses will decide to reopen regardless of when Governor Pritzker authorizes those businesses to reopen; and

**WHEREAS,** with this Ordinance, the Village makes no determination as to whether or not the businesses outlined below should or can open; and

**WHEREAS**, each business remains wholly responsible for their own liability in conducting business and remains responsible for their own compliance with State of Illinois statutes and regulations including licenses and permits; and

**WHEREAS,** in an effort to strike a balance between the health concerns related to COVID-19 and protecting the livelihoods of our citizens, the Village desires to set forth guidelines and expectations for those businesses that decide to reopen on their own; and

**WHEREAS**, such guidelines and expectations are set forth herein in accordance with those regulations already established in Title II Business and License Regulations, Chapter 3 General Business Licensing and Regulations; and

**WHEREAS**, the Village finds that such actions are in the best interests of the public health, safety, morals and general welfare of the residents of the Village of Poplar Grove.

**NOW THEREFORE, IT IS HEREBY DECLARED BY THE VILLAGE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF POPLAR GROVE, ILLINOIS THAT A STATE OF EMERGENCY EXISTS AND IT IS ORDAINED THAT DURING THE PERIOD OF EMERGENCY, THE VILLAGE PRESIDENT WILL HAVE ADDITIONAL POWERS AND AUTHORITY AS GRANTED HEREIN:**

Section 1: The above recitals are incorporated herein and made a part hereof.

Section 2: For the below-referenced businesses that decide to reopen in advance of being allowed to do so by Governor Pritzker's Restore Illinois Plan, the Village sets forth the following guidelines and expectations, effective as of May 20, 2020 and until such time as the Village takes further action:

A. Non-Essential Retail Stores

All non-essential retail stores that choose to reopen must have no more than 5 people in the store at a time. Employees and customers will be required to wear masks and hand sanitizer must be made available. Masks may be made available for customers by the business should the business owner require it. This will be effective until the North Central Region, which includes Poplar Grove, has hit "Phase 3" of the Governor's Plan which is expected to occur on May 29, 2020. Effective May 29, 2020 all non-essential retail stores may return to regular occupancy restrictions.

B. Golf Courses

Per Executive Order 2020-32, golf courses are allowed to be open, subject to social distancing guidelines. For dining, outside patios may be utilized, but tables must be separated in accordance with social distancing guidelines (six feet between customers) and

servers must wear face masks. A limited food menu and drink menu should be considered. Hand sanitizer must be made readily available and proper sanitation must be complied with. Effective May 29, 2020 indoor dining may return with 50% inside seating capacity, 75% inside seating capacity as of June 12, 2020, and return to normal capacity as of June 26, 2020.

C. Bars/Restaurants

All bars/restaurants with outside dining areas that choose to reopen for outside reservation seating only, must do so with any tables six feet apart from each other and any outdoor bar seating must maintain at least six feet between customers. Servers must wear masks and hand sanitizer must be readily available. Proper sanitation should be conducted frequently. Bars/restaurants may continue drive through, delivery, takeout, or curbside pickup services. Effective May 29, 2020 indoor dining may return in accordance with the following schedule: 50% inside seating capacity as of May 29, 2020, 75% inside seating capacity as of June 12, 2020, and return to normal capacity as of June 26, 2020.

D. Hair salon/Barbershop

Hair salons/Barbershops that choose to reopen, must do so with every other seating station empty to keep in line with social distancing guidelines. There must be 15 minutes between appointments to allow for proper sanitation of work areas. Customers are not allowed to wait inside for their appointments. Masks are required for protection depending on the close contact of the service.

E. Churches

Churches that choose to hold in person services must have greeters/ushers at the entrances and all doors must remain open to minimize surface contact. There must be at least six feet in between parishioners (who are not members of the same immediate family) if there is pew seating. If there are chairs, there should be at least three chairs in between parishioners (who are not members of the same immediate family). All pews and chairs must be sanitized after the service. Each church must have a signup sheet for service. More services may be added if the cap is quickly reached. The determination for use of holy water receptacles or giving of sacrament remains with the individual church.

F. Fitness Clubs/Centers

Fitness clubs/centers that choose to reopen may only allow members or employees into the club. There may be a maximum of 5 members in the club at any time. Social distancing must be observed and no guests are permitted to accompany a member. Fitness Clubs may require members to make reservations for a time slot to access the club. The fitness clubs shall only be open when staff is present. All equipment must be sanitized in the morning, evening and prior to the next group entering the club. Each member must wipe down equipment with appropriate antibacterial cleaning wipes after each use. Members and staff must wear masks while inside the club.

Section 3: Effective immediately, the Village President of the Village is hereby authorized to take such emergency measures and actions as the Village deems reasonably necessary (subject to applicable federal, state and local laws) to address the COVID-19 pandemic, including, but not limited to, those emergency powers referenced in 65 ILCS 5/11-1-6.

Section 4: This Ordinance and the powers afforded the Village President herein shall be effective for a period of thirty (30) days from the date enacted and shall continue for thirty (30) day periods thereafter unless repealed or amended by the Village Board of Trustees which may repeal this Ordinance at any time.

Section 5: This Ordinance and the associated powers designated herein shall become effective immediately upon passage by the Corporate Authorities of the Village of Poplar Grove.

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Declaration and Ordinance that can be given effect without the invalid application or provision and each invalid provision or invalid application of this Declaration is severable.

Section 7: Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY Miller

SECONDED BY Goings

BY ROLL CALL VOTE THIS 20 DAY OF May, 2020

AS FOLLOWS:

VOTING "AYE": Miller, Goings, Ramdass, Walsh Wethington

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER Quimby

_____

APPROVED May 20th, 2020

ATTEST:

CLERK

PRESIDENT

VILLAGE OF POPLAR GROVE
VILLAGE
SEAL
BOONE COUNTY ILLS