

ORDINANCE NO. _____

**AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY
FOR THE CITY/VILLAGE/TOWN OF _____**

[If home rule.] WHEREAS, the **City/Village/Town** of _____
(**City/Village/Town**), 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; and

[If non-home rule.] WHEREAS, the **City/Village/Town** of _____,
(**City/Village/Town**), 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/Village
President/Town President** 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/Village/Town** now desires to provide for the exercise of extraordinary
powers by executive order during a state of emergency within the **City/Village/Town**.

NOW, THEREFORE, be it ordained, by the **City Council/President and Board of Trustees of
the Village/President and Board of Trustees of the Town** of _____ 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. That Chapter _____, Article _____ Section _____ entitled "Civil Emergencies" of
the **City/Village/Town** Code is hereby repealed and rescinded in its entirety and replaced with a
new Article _____, Section _____, which shall read as follows:

ARTICLE _____ SECTION _____ – 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: (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/Village/Town**, 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/Village/Town** 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/Village President/Town President** is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the **Mayor/Village President/Town President**, 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/Village President/Town President**, he or she may order a general curfew applicable to such geographical areas of the **City/Village/Town** or to the **City/Village/Town** 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 proclamation of a Local State of Emergency, the **Mayor/Village President/Town President** may also, in the interest of public safety and welfare, and to address this issues caused 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/Village/Town** for the purpose of continuing the operations of the municipality;
- 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/Village President/Town President** shall be authorized to approve new spending by the **City/Village/Town** 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 **[XX days]** or until the adjournment of the next regular or special meeting of the **City Council/Board of Trustees of the Village/Board of Trustees of the Town**, whichever comes first, unless sooner terminated by a proclamation of the **Mayor/Village President/Town President**, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The **Mayor/Village President/Town President** or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each **[XX 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/Village/Town**, and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the **City/Village/Town**: the **City/Village/Town** hall, the police station, the post office, and in the area of any curfew.

(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/Village/Town** and shall be punished as provided by Section XX-XX of the **City/Village/Town** 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/Village/Town**.

Section 3. Repeal of Conflicting Provisions. All ordinances, resolutions, and policies 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.

Section 4. 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.

Section 5. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS _____ day of _____, 20_____.

AYES: _____
NAYS: _____
ABSTENTIONS: _____
ABSENT: _____

IML Model Ordinance: Local State of Emergency

APPROVED THIS ____ day of _____, 20_____.

Mayor/Village President/Town President

ATTEST:

Clerk

BEFORE ADOPTING ANY ORDINANCE, MUNICIPAL OFFICIALS SHOULD CONSULT
WITH THEIR RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.