

ORDINANCE NO. 2026- _____

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY

FOR THE VILLAGE OF WINNEBAGO

WHEREAS, the Village of Winnebago, 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 Village 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 Village now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago as follows:

SECTION I

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

SECTION II: 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 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.

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.

SECTION III: DECLARATION OF EMERGENCY

Whenever an emergency, as defined in SECTION II exists, the Village President is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Village 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.

SECTION IV: CURFEW

After proclamation of a Local State of Emergency by the Village President, he or she may 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.

SECTION V: EXECUTIVE ORDERS

After the proclamation of a Local State of Emergency, the Village President may also, in the interest of public safety and welfare, and to address these 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 Village 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 Village President shall be authorized to approve new spending by the Village 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.

SECTION VI: DURATION OF EMERGENCY

The declaration herein authorized shall be effective for a period of up to seven (7) days or until the adjournment of the next regular or special meeting of the Board of Trustees of the Village, whichever comes first, unless sooner terminated by a proclamation of the Village President, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Village 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 seven-day period during the time said emergency exists.

SECTION VII: NOTICE OF EMERGENCY

Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the Village, 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 Village: the Village hall, the police station, the post office, and in the area of any curfew.

SECTION VIII: VIOLATIONS

Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be fined not less than Seventy-Five Dollars (\$75.00) and not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Each day that a violation occurs shall constitute a separate offense.

SECTION IX: EFFECTS ON OTHER ORDINANCES

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 Village.

SECTION X: 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 XI: REPEAL OF CONFLICTING PROVISIONS

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 XII: PUBLICATION

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 _____, 2026.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2026

Franklin J. Eubank Jr., President of the Board of
Trustee of the Village of Winnebago, Illinois

ATTEST:

Sally Jo Huggins, Clerk