

ORDINANCE 2020-_____

AN ORDINANCE REGARDING THE EMERGENCY POWERS OF THE MAYOR

WHEREAS, Section 11-1-6 of the Municipal Code (65 ILCS 5/11-1-6) empowers the City Council to, 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 City Council as may be reasonably necessary to respond to the emergency.; and

WHEREAS, the City Council of the City of Knoxville, Illinois finds that in an emergency situation, such as, but not limited to, the current pandemic, it may be unsafe, impractical or unwise to convene a quorum of the City Council; and

WHEREAS, the City Council further finds that it is the best interest of the City of Knoxville to amend the City Code to grant the Mayor certain enumerated extraordinary powers in the event of a state of emergency.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Knoxville, Knox County, Illinois as follows:

Section 1: A new Chapter 2, Article 3, Section 1.1 of the City Code is hereby added, said new Chapter 2, Article 3, Section 1.1 to provide as follows:

SEC. 2-3-1.1: Emergency Powers of the Mayor

(A) Declaration of a State of Emergency.

A state of emergency exists when one or more of the following conditions are present or imminent:

- (1) The Governor of the State of Illinois, or the President of the United States, has declared that a state of emergency, and the conditions giving rise to that declared state of emergency directly affect the territory, populace or property of the City; or
- (2) A natural disaster or act of war or act of rebellion or terrorism or cyber-attack has overwhelmed, or imminently threatens to overwhelm, the ability of emergency responders or public health officials to safely, adequately or efficiently respond to the needs of the City or protect the safety of its residents; or
- (3) A pandemic, or health emergency, or natural disaster, makes its unsafe or imprudent for non-essential City personnel to report to work, or for a quorum of the City Council to meet; or
- (4) Other unforeseen circumstances, of like kind or severity, arise and affect the safety or welfare of the residents, employees or officers of the City.

Should the Mayor determine that one or more of the above conditions exists or is imminent, and should the Mayor further determine that it is in the best interest of the City to declare a state of emergency, the Mayor shall sign, under oath, a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists. Such statement shall be filed with the City Clerk as soon as practicable.

(B) Expiration of a State of Emergency.

A declaration of a state of emergency, made pursuant to paragraph (A) of this section, shall expire not later than the adjournment of the first regular meeting of the City Council after the state of emergency is declared. If the next scheduled regular session of the City Council cannot be held, because conditions make it unsafe or impractical to hold a meeting, or because a quorum of the City Council is not present at the appointed time for its meeting, the state of emergency shall continue until such time that a quorum of the City Council can convene, provided further that the Mayor may, at any time, declare that the state of emergency has ended.

(C) Emergency Powers of the Mayor.

Upon a declaration of a state of emergency, until the expiration or revocation of the declaration (The "Emergency Period"), the Mayor shall have and may exercise the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regards to any act or acts occurring or committed within the Emergency Period or any extension thereof, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which they may have under the provisions of this section.

- (1) Enter into contracts, incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials and the appropriate expenditures and disposition of public funds and property as necessary.
- (2) To suspend the provisions of any regulatory ordinance prescribing procedures for conduct of city business, or the orders and rules of any city agency, if strict compliance with the provision would in any way prevent, hinder or delay necessary action, including emergency purchases.
- (3) To utilize all available resources of the city government as reasonably necessary.
- (4) To transfer the direction, personnel or functions of city departments and agencies or units thereof for the purpose of performing or facilitating response and recovery programs.
- (5) To recommend the evacuation of all or part of the population from any stricken or threatened area within the city if he deems this action necessary.

- (6) To prescribe routes, modes of transportation, and destinations in connection with evacuation.
- (7) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
- (8) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.
- (9) To make provision for the availability and use of temporary emergency housing.

(D) Curfew Authorized.

After declaration of a state of emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the City or to the City 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.

(E) Public Notification of State of Emergency.

Upon the Mayor issuing the declaration herein authorized, and as soon as may be safe or practical, the Chief of Police, or his or her designee, shall notify the news media situated within the City and shall cause three copies of the declaration declaring the existence of the emergency to be posted at the following places within the City: City Hall, the Police Station, and the Post Office. However, the failure of the Chief of Police to provide such notice shall not operate to limit or invalidate the Mayor's emergency powers.

Section 2: Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

Section 3. Publication. This Ordinance is hereby ordered to be published in pamphlet form by the Knoxville City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4: Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in the manner provided by law.

PASSED, APPROVED AND ADOPTED by the Mayor and the City Council of the City of Knoxville, this _____ day of March, 2020.

Mayor

ATTEST:

City Clerk