

ORDINANCE NO. 7807

**AN ORDINANCE AMENDING TITLE III, CHAPTER 31
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE VILLAGE PRESIDENT'S AUTHORITY TO DECLARE
A STATE OF EMERGENCY PURSUANT TO 65 ILCS 5/11-1-6**

WHEREAS, Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) provides that the corporate authorities of each municipality may, by ordinance, grant to the Village President 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, such ordinance is to establish the standards to be relied upon for the Village President to determine when a state of emergency exists; and

WHEREAS, it is in the best interests of the Village and its residents that the Village President be granted the authority as provided for pursuant to 65 ILCS 5/11-1-6;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The above recitals are incorporated herein by reference.

SECTION 2: That Title III, Chapter 31 of the Lombard Village Code is amended by adding a new Section 31.18 thereto, which shall read in its entirety as follows:

“§ 31.18 Village President’s Authority to Declare a State of Emergency:

(A) The Village President is hereby authorized to render a declaration of a state of emergency within the Village based on the following findings and supporting facts:

- (1) There has occurred, or there is an actual imminent danger of the occurrence of, a natural disaster, catastrophe, pestilence, contagious disease or other public health emergency, which is likely to cause loss of life, loss of productivity, hardship or suffering to the persons residing in or doing business in the Village.

(2) The declaration of a state of emergency and the actions to be taken pursuant to that declaration are specifically designed to, and likely to, address and alleviate the potential loss of life, loss of productivity, hardship and suffering.

(B) The declaration of a state of emergency shall:

(1) Be in writing and executed under oath;

(2) Set forth the basis and underlying facts supporting the declaration of a state of emergency;

(3) Make reference to published statements of federal, state or county agencies whose duty it is to address emergency matters;

(4) To the extent possible, specify the procedures and protocols to be followed during the state of emergency;

(5) To the extent possible, make specific reference to any regulations which may be subject to suspension during the state of emergency; and

(6) Consistent with subsection (E) below, set forth the duration of the state of emergency.

(C) The declaration of a state of emergency shall be filed with the Village Clerk as soon as practicable after being issued.

(D) During said state of emergency, the Village President shall be authorized to exercise, by executive order, such powers of the Corporate Authorities as may be reasonably necessary to respond to the emergency.

(E) Any state of emergency declared pursuant to this Section shall expire no later than the adjournment of the first regular meeting of the Corporate Authorities after the state of emergency has been declared.

(F) A declaration of a state of emergency, pursuant to this Section, may not suspend in any way the rights of residents of the Village under the Illinois Constitution or the United States Constitution."

SECTION 3: That this Ordinance shall be in full force and effect from and after its adoption and approval, as provided by law.

Passed on first reading this _____ day of _____, 2020.

First reading waived by action of the Board of Trustees this 19th day of March, 2020.

Passed on second reading this 19th day of March, 2020, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

Nays: None

Absent: None

Approved by me this 19th day of March, 2020.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk