

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2020 - 13

**AN ORDINANCE AMENDING TITLE 14, CHAPTER 4 OF THE CARBONDALE
REVISED CODE AS IT RELATES TO OFFENSES AFFECTING PUBLIC HEALTH
AND SAFETY BY ADDING SECTION 12 - VIOLATION OF EMERGENCY
EXECUTIVE ORDERS**

ADOPTED BY THE CITY COUNCIL

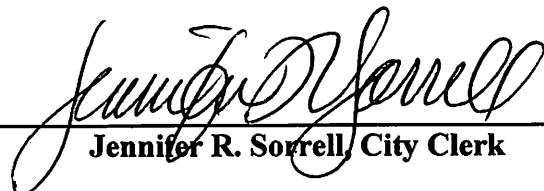
OF THE CITY OF CARBONDALE, ILLINOIS

THE 6TH DAY OF APRIL, 2020

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 7th day of April, 2020.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois,
and the official custodian of the records of said City, do hereby certify that this ordinance
was published in pamphlet form by authority of the City Council on the 7th day of April,
2020.**



Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2020 - 13

AN ORDINANCE AMENDING TITLE 14, CHAPTER 4 OF THE CARBONDALE REVISED CODE AS IT RELATES TO OFFENSES AFFECTING PUBLIC HEALTH AND SAFETY BY ADDING SECTION 12 - VIOLATION OF EMERGENCY EXECUTIVE ORDERS

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2020, Governor Pritzker issued a Gubernatorial Disaster Proclamation due to the Coronavirus Disease 2019 (COVID-19) pandemic; and

WHEREAS, the Governor has issued a series of executive orders intended to protect the health and safety of the residents of the State of Illinois; and,

WHEREAS, currently any violation of an executive order would be prosecuted under State law through the State's Attorney or the Illinois Attorney General's offices; and,

WHEREAS, criminal prosecution at that level may be appropriate for some situations, local prosecution can be more efficient and practical under certain facts; and,

WHEREAS, Title 14 of the Carbondale Revised Code regulates matters that affect public health and safety within the city limits of the City of Carbondale; and,

WHEREAS, executive orders issued by the Governor of the State of Illinois during a civil emergency or a public health emergency directly affect health and safety of the citizens of

the City of Carbondale, and therefore a violation of such orders would put the health and safety of the citizens of Carbondale at risk; and,

WHEREAS, the Carbondale City Council finds it to be in the best interest of the citizens of Carbondale to amend Title 14, Chapter 4 of the Carbondale Revised Code by adding Section 12 as shown in Exhibit “A”, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:

SECTION 1. That the City Council does hereby find it to be in the best interest of the citizens of Carbondale to amend Title 14, Chapter 4 of the Carbondale Revised Code by adding Section 12 as shown in Exhibit “A”, attached hereto and incorporated herein.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

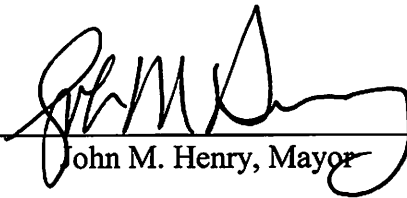
SECTION 3. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is

passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 6. This ordinance shall take effect immediately upon its passage due to the immediate urgency of implementing the Illinois Governor’s Emergency Orders issued in response to the COVID-19 public health emergency.

APPROVED:  _____
John M. Henry, Mayor

ATTEST:  _____
Jennifer R. Sorrell, City Clerk

Exhibit "A"

Chapter 14 – OFFENSES AFFECTING PUBLIC HEALTH AND SAFETY

14-4-12. VIOLATION OF EMERGENCY EXECUTIVE ORDERS

- A. Purposes of this article: Executive orders in furtherance of the public health, safety, and welfare lawfully issued by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, shall be observed and obeyed. Violations of these lawful executive orders are hereby declared a public nuisance.

- B. It shall be unlawful for any person, partnership, joint adventure, association, society, club, trustee or corporation or any officer, agent, employee, factor or any kind of personal representative to violate any Executive Order of the Governor of the State of Illinois pursuant to the Governor's powers under Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

- C. Penalties.
 - 1. Any person or entity having been found guilty of violating any Executive Order of the Governor of the State of Illinois pursuant to the Governor's powers under Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305 shall be punished by a fine not to exceed \$750 per day that such offense continues.
 - 2. Any person or entity having been found guilty of violating this Section shall be liable for a fine on a continuing basis and shall be subject to a \$750 fine for each day that said violation continues.