

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2020- 12**

**AN ORDINANCE DECLARING A CIVIL EMERGENCY DUE TO THE COVID-19  
PANDEMIC**

**ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF CARBONDALE, ILLINOIS**

**THE 6<sup>th</sup> DAY OF APRIL, 2020**

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

  
Jennifer R. Sorrell, City Clerk

**ORDINANCE NO. 2020 - 12**

**AN ORDINANCE DECLARING A CIVIL EMERGENCY DUE TO THE COVID-19 PANDEMIC**

**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; and

**WHEREAS**, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China; and,

**WHEREAS**, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and,

**WHEREAS**, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and,

**WHEREAS**, we are continuing our efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary

of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, the World Health Organization has reported 900,306 confirmed cases of COVID-19 and 45,693 deaths attributable to COVID-19 globally as of April 2, 2020; and,

**WHEREAS**, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and,

**WHEREAS**, a vaccine or drug is currently not available for COVID-19; and,

**WHEREAS**, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including staying at home when sick, when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider and keeping away from others who are sick; and,

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

**WHEREAS**, as of April 2, 2020 there are currently 7,695 confirmed cases of COVID-19 and 157 deaths attributed to COVID-19 within the State of Illinois; and,

**WHEREAS**, on March 20, 2020 Governor JB Pritzker issued Executive Order 2020-07 closing all bars, restaurants, grocery stores, and food halls from allowing on-premises consumption of alcohol and food; and,

**WHEREAS**, on March 20, 2020 Governor JB Pritzker issued Executive Order 2020-10 imposing restrictions on non-essential businesses and ordering residents of Illinois living in Illinois to stay at home or place of residence; and,

**WHEREAS**, on April 1, 2020 Governor J.B. Pritzker extended Executive Orders 2020-03 through 2020-17 to April 30, 2020; and,

**WHEREAS**, based on the foregoing, the circumstances surrounding COVID-19 constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act and 1-14H-5 of the CRC for the issuance of a proclamation of disaster;

**WHEREAS**, the Carbondale City Council finds and declares that a state of civil emergency exists and that it is in the best interest of the citizens of Carbondale to adopt an ordinance to establish and grant emergency powers to the Mayor or his designee consistent with 1-2A-5 and 1-14H-9 *et seq* of the CRC.

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

**SECTION 1.** The above recitals are incorporated herein and made a part hereof.

**SECTION 2.** Effectively immediately upon the adoption of this Ordinance, the City institutes the following:

- A. The provision of 1-2A-5 and 1-14H-9 are temporarily amended to permit the Mayor or the City Council to declare a Civil Emergency for a period of time not to exceed 60 days, unless later extended at a regularly scheduled City Council meeting.
- B. The Mayor or his designee shall have the powers and authority as provided in section 1-2A-5 and 1-14H-9 *et seq* of the CRC.
- C. The City hereby temporarily suspends the act of disconnecting water/sewer services for

non-payment of water/sewer bills and temporarily suspends the imposition of late fees for non-payment of water/sewer bills. Water/sewer customers shall remain responsible for all water and sewer usage charges, however water/sewer services will not be disconnected for non-payment of water/sewer bills during this civil emergency.

- D. The City hereby authorizes the City Manager to establish temporary loading zones in and around restaurants in the downtown area to assist with carryout and curbside pick-up of food.
- E. The City hereby extends the payment due date for the City's food and beverage taxes and package liquor taxes until May 20, 2020 and extends the payment due date for municipal motor fuel taxes and municipal hotel/motel taxes until April 30, 2020.
- F. That liquor licenses that will expire on June 30, 2020 are hereby extended until July 30, 2020.
- G. Any licenses issued pursuant to Title 5 of the CRC that are set to expire on April 30, 2020, are hereby extended until July 30, 2020.
- H. The Mayor shall have the authority to extend any license or permit issued pursuant to the CRC during the period of this declaration.
- I. The Mayor may cancel meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice.
- J. The Mayor may suspend licenses or permits for special events that have been approved if the event could impact the public health of the community.
- K. The awarding of those contracts governed pursuant to 1-6-13 of the CRC may be awarded or approved by the Mayor.
- L. The City Manager is authorized to adjust any personnel policies related to leave time, other benefits, or terms and conditions of employment as are reasonably related to ensuring sufficient staffing during the term of the emergency.
- M. The City Manager is authorized to enter into temporary agreements with bargaining units in order to protect the delivery of city services and to ensure the health and safety of the public and the employees during the time of emergency.
- N. The City Manager is authorized to close city facilities as needed to protect the health and safety of employees and the community.
- O. The Mayor, upon the recommendation of the City Manager and Finance Director, may extend deadlines for payment related to amounts due or owed to the city.
- P. The City hereby suspends the requirement for Class "A" liquor license holders to have a package liquor endorsement to sell alcoholic beverages in their original container with the purchase of an entrée. While the requirement to purchase an entrée remains, the endorsement will be temporarily granted through the timeframe of this declaration.

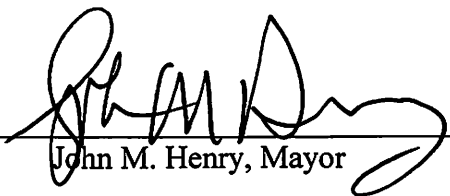
**SECTION 3.** This ordinance shall expire on 11:59 p.m. on Friday, June 5, 2020 unless extended by the Carbondale City Council.

**SECTION 4.** If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance

as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

**SECTION 5.** That the City Council 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.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED:  \_\_\_\_\_  
John M. Henry, Mayor

ATTEST:  \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk