

VILLAGE OF DUPO, ILLINOIS

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ORDINANCE NO. 20-05

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO,  
ILLINOIS, AMENDING THE REVISED CODE OF ORDINANCES OF THE VILLAGE  
OF DUPO, ILLINOIS BY REPEALING AND REPLACING CHAPTER 30, ARTICLE I  
AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**

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ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF DUPO, ILLINOIS  
THIS 18<sup>TH</sup> DAY OF MARCH 2020

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Published in pamphlet form by  
authority of the Village Board  
of Trustees of the Village of  
Dupo, St. Clair County, Illinois,  
this 18<sup>th</sup> day of March 2020.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS, AMENDING THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF DUPO, ILLINOIS BY REPEALING AND REPLACING CHAPTER 30, ARTICLE I AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**

WHEREAS, the Village of Dupo, St. Clair County, Illinois (“Village”), is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, a special public meeting was held in the Village of Dupo, Illinois at the Dupo Village Hall, 107 N. 2<sup>nd</sup> Street, Dupo, Illinois, on March 18, 2020 at 7:00 p.m., before the Village Board of Dupo and notice of said meeting was duly given; 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 Mayor 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 amend the code that provides for the exercise of extraordinary powers by executive order during a state of emergency within the Village; and

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1. Recitals.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**SECTION 2. Amendment.** That Chapter 30, Article I, entitled "Civil Emergency" of the Village Code is hereby repealed and rescinded in its entirety and replaced with a new Chapter 30, Article I, entitled “Local State of Emergency” which shall read as follows:

**CHAPTER 30**  
**ARTICLE I**  
**LOCAL STATE OF EMERGENCY**

30-1-1 *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.

30-1-2 *Declaration*. Whenever an emergency, as defined in subsection (a) of this section exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, 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.

30-1-3 *Curfew Authorized*. After proclamation of a Local State of Emergency by the Mayor, 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.

30-1-4 *Orders Authorized*. After the proclamation of a Local State of Emergency, the Mayor 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; and
- 3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor 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;

30-1-5 *Duration*. The declaration herein authorized shall be effective for a period of up to 30 days or until the adjournment of the next regular or special meeting of the Village Board, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30-day period during the time said emergency exists.

30-1-6 *Notice*. 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.

30-1-7 *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 punished as provided by section 1-1-20 of the Village Code.

30-1-8 *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 3. Effective Date.** This Ordinance shall be in full force and effect on and after March 18, 2020.

**SECTION 4. Repeal of Conflicting Provisions.** All ordinances and resolutions, 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.

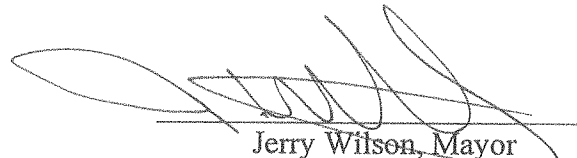
**SECTION 5. Severability.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

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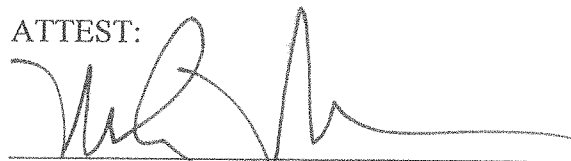
PASSED this 18<sup>th</sup> day of March, 2020 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Chris Ragsdale	X	---	---	---
Ben Kenner	X	---	---	---
James Smith	X	---	---	---
Joe Basinski	X	---	---	---
Ken Phillips	X	---	---	---
Kerry Foster	X	---	---	---

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 18<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
Jerry Wilson, Mayor  
Village of Dupo, Illinois

ATTEST:

  
\_\_\_\_\_  
MARK NADLER, VILLAGE CLERK

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF ST. CLAIR    )

CERTIFICATE OF PUBLICATION

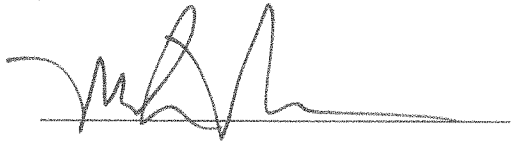
I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupo, Illinois.

I further certify that on the 18<sup>th</sup> day of March, 2020, the Corporate Authorities of the Village of Dupo, Illinois, passed and approved Ordinance No. 20-05, entitled:

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS, AMENDING THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF DUPO, ILLINOIS BY REPEALING AND REPLACING CHAPTER 30, ARTICLE I AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**  
which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 20-05, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Dupo Village Hall, commencing on March 18, 2019 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the Village Clerk.

DATED at Dupo, Illinois this 18th day of March, 2020.



MARK NADLER, Village Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF ST. CLAIR    )

CERTIFICATE OF TRUE COPY

I, Mark Nadler, certify that I am the duly elected and acting Village Clerk of the Village of Dupo, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 20-05, entitled:

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS, AMENDING THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF DUPO, ILLINOIS BY REPEALING AND REPLACING CHAPTER 30, ARTICLE I AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Dupo, Illinois Village Board held on the 18<sup>th</sup> day of March, 2020.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 18<sup>th</sup> day of March, 2020.



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MARK NADLER, Village Clerk

(SEAL)