
**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 20- 18**

**AN ORDINANCE
PERTAINING TO LOCAL DISASTER AND STATE OF EMERGENCY**

**MICHELLE MARKIEWICZ QUALKINBUSH, Mayor
NYOTA T. FIGGS, City Clerk**

**DEJUAN GARDNER
MICHAEL NAVARRETE
JAMES PATTON
ANTHONY SMITH
MARY E. SWIBES
DEANDRE TILLMAN
RAMONDE WILLIAMS**

Aldermen

Published in pamphlet form by authority of the Mayor and City Council of the City of Calumet City on April 6, 2020
City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

ORDINANCE NO. 20-18
AN ORDINANCE PERTAINING TO LOCAL DISASTER AND STATE OF
EMERGENCY

WHEREAS, the City of Calumet City, Cook County, Illinois (the “City”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and (the “Home Rule Powers”); 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 power and authority to the Mayor by the corporate authorities 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 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, on March 9, 2020, Governor JB Pritzker issued a Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the COVID-19 Pandemic and has issued subsequent executive orders implementing required Social Distancing measures, including a mandatory “stay-at-home” order (Executive Order 2020-10), the effective period of which has since been extended (*see* Executive Order 2020-18); and

WHEREAS, On March 11, the World Health Organization categorized this outbreak of COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency beginning March 1, 2020, in an effort to contain and mitigate the national impact of the expanding global outbreak of the virus and has ordered states and hospitals to open their emergency operations centers and activate their emergency plans for the protection of our citizens; and

WHEREAS, despite the efforts to contain the virus, the Center for Disease Control and Prevention (the "CDC") indicates that more cases of the virus are expected in the United States in the coming days, including more instances of community spread, and as the outbreak continues, widespread transmission of the virus in the United States is expected to occur; and

WHEREAS, the CDC currently recommends all communities take measures to both prepare for and mitigate community transmission of the virus in the United States; and

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

WHEREAS, the Mayor and City Council have determined that the City must take actions to contain and mitigate the local impact of the virus outbreak and provide for the continuity of government, activation of any City emergency management and operation plans, provide for the continuation of essential services, qualify for federal and state disaster assistance, and provide for the health and safety of all City residents; and

WHEREAS, the Mayor and City Council now desires to provide for the exercise of extraordinary powers by executive order by during a state of emergency within the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Calumet City, Cook County, Illinois, as follows:

ARTICLE 1

The foregoing recitals and legislative findings are found to be true and correct and shall be and are hereby incorporated herein and made part hereof as findings of fact as if said recitals were fully set forth in their entirety.

ARTICLE 2

That Chapter 22 of the Municipal Code of the Calumet City, Illinois, entitled "Emergency Services" is hereby amended by a new "Article VI," which shall read as follows:

CHAPTER 22, ARTICLE VI - LOCAL STATE OF EMERGENCY

Sec. 22-137 – Proclamation by Mayor.

(a) *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 of 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 City, 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 City except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(b) *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, proclaiming and 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.

(c) *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 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.

(d) *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 this issue caused threatened by emergency, make take any and all of the following actions by executive order during the state of emergency:

- 1) All actions reasonably necessary to respond to the emergency; and
- 2) Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the municipality; and
- 3) 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; and
- 4) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer; and
- 5) 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 affixes to a motor vehicle; and
- 6) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever; and
- 7) Order the closing of any other business establishment anywhere within the City for the period of the emergency as the Mayor determines to be necessary.

(e) *Duration.* The declaration herein authorized shall be effective shall be effective for a period of up to 30 days or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a proclamation of the Mayor or his or her Emergency Interim Successor, indicating that the civil emergency no longer exists. The Mayor or his or her Emergency Interim 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, subject to re-approval by the City Council at any regular or special meeting prior to period's expiration.

(f) *Notice.* Upon issuing the *Declaration* herein authorized, the municipal clerk shall notify the news media situated within the City, 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 City: the City Hall, the police station, the post office, and in the area of any curfew.

(g) *Violations.* Any person violating the provisions of this section or executive orders issues pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by Chapter 62 of the Municipal Code of the City of Calumet City.

(h) *Effect on other ordinances.* Nothing contained in this section shall be construed to impair the powers contained in this Code, giving power to the police and fire departments, but shall be construed together with existing ordinance now in effect for the safety and welfare of the citizens of the City.

ARTICLE 3

EFFECTIVE DATE. Upon passage and approval by the Mayor and City Council, this Ordinance shall be in full force and effect as of March 9, 2020 due to its emergency nature.

ARTICLE 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.

ARTICLE 5

SEVERABILITY. If any provisions of this Ordinance or application thereof to any person or circumstances if 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 of provision, and each invalid provisions or invalid application of this Ordinance if severable.

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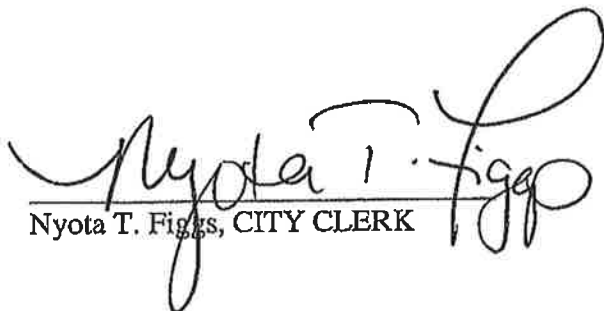
PASSED this 6 day of April, 2020, pursuant to a roll call as follows:

	YES	NO	ABSENT	PRESENT
GARDNER	X			
NAVARRETE	X			
PATTON	X			
SMITH	X			
SWIBES	X			
TILLMAN	X			
WILLIAMS	X			
(MAYOR QUALKINBUSH)				
TOTAL	7			

APPROVED by the Mayor on April 6, 2020.


Michelle Markiewicz Qualkinbush
MAYOR

ATTEST:


Nyota T. Figgs, CITY CLERK

**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**RESOLUTION
NUMBER 20-12**

**A RESOLUTION
APPROVING EXISTENCE AND RENEWAL OF LOCAL DISASTER AND
STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC**

**MICHELLE MARKIEWICZ QUALKINBUSH, Mayor
NYOTA T. FIGGS, City Clerk**

**DEJUAN GARDNER
MICHAEL NAVARRETE
JAMES PATTON
ANTHONY SMITH
MARY E. SWIBES
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RAMONDE WILLIAMS**

Aldermen

Published in pamphlet form by authority of the Mayor and City Council of the City of Calumet City on 4/6/2020

City Attorneys - 3318 West 95th Street - Evergreen Park, Illinois 60805

RESOLUTION NO. 20-12

A RESOLUTION APPROVING EXISTENCE AND RENEWAL OF LOCAL DISASTER AND STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

WHEREAS, the City of Calumet City, Cook County, Illinois (the “City”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; 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 power and authority to the Mayor by the corporate authorities 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 Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for emergency local disaster declaration by the Mayor, as principal executive officer of the City, or his or her interim emergency successor, the effect of which is to activate the emergency operations plan of the City pursuant to the Emergency Management Agency Act and to authorize the furnishing of aid and assistance thereunder; and

WHEREAS, on April 6, 2020, in light of the further developments related to the COVID-19 Pandemic, the City Council further amended and approved the emergency powers of the Mayor pursuant to Ordinance No. 20-18, entitled *An Ordinance Pertaining to Local Disaster and State of Emergency*; and

WHEREAS, on March 9, 2020, Governor JB Pritzker issued a Gubernatorial Disaster Proclamation for the entire State of Illinois as a result of the COVID-19 Pandemic and has issued subsequent executive orders implementing required Social Distancing measures, including a mandatory “stay-at-home” order (Executive Order 2020-10), the effective period of which has since been extended and, pursuant to same, the Mayor had previously issued statements declaring a local state of emergency;

WHEREAS, on March 16, 2020 and again on April 6, 2020, the Mayor declared a Local State of Emergency, pursuant to Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), and Chapter 22, Article VI of the Municipal Code for the City of Calumet City; and

WHEREAS, the City Council finds it is in the best interests of the City, its residents, and the public health and safety to approve any previous and current Declaration of Local State of Emergency and the emergency powers granted and executed to the Mayor thereunder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Calumet City, Cook County, Illinois, as follows:

SECTION ONE. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2. The Mayor's Declaration of Local State of Emergency, or substantially similar proclamation or order issued by the Mayor, related to the COVID-19 Pandemic is hereby ratified and all actions taken by the Mayor thereunder are expressly approved, adopted, and confirmed. The Statement and Standards and Declaration of Local State of Emergency executed and issued on April 6, 2020 is hereby ratified, affirmed, and attached hereto and incorporated herein as "**Exhibit A.**" The Statement and Standards and Declaration of Local State of Emergency, approved herein, shall remain in effect until the next meeting of a quorum of the City Council is held, at which time it may be continued or extended by further act of the City Council, pursuant to applicable law.

SECTION 3. The Mayor is further authorized to exercise the emergency powers granted to him/her pursuant to Ordinance No. 20-18 and Chapter 22, Article VI of the Municipal Code of the City of Calumet City, as amended, and any exercise of powers granted therein prior to the adoption of this Resolution are expressly affirmed and approved. The State of Emergency and the Emergency Powers granted therein shall be in continuous effect until the next meeting of a quorum of the City Council is held, at which time it may be continued or extended by further act of the City Council.

SECTION 4. This Resolution shall be in full force and effect immediately from and after its adoption due to its emergency nature.

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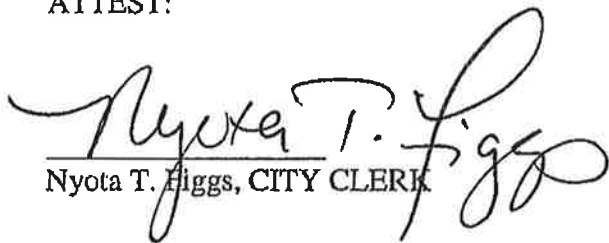
PASSED this 6th day of April, 2020, pursuant to a roll call as follows:

	YES	NO	ABSENT	PRESENT
GARDNER	x			
NAVARRETE	x			
PATTON	x			
SMITH	x			
SWIBES	x			
TILLMAN	x			
WILLIAMS	x			
(MAYOR QUALKINBUSH)				
TOTAL	7			

APPROVED by the Mayor on April 6, 2020.


Michelle Markiewicz Qualkinbush
MAYOR

ATTEST:


Nyota T. Figgs, CITY CLERK

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Swibes, Tillman, Williams,
Gardner, Smith, Patton.

NAYS: 0 ALDERMEN: None

ABSENT: 0 ALDERMAN: None

MOTION CARRIED

Ord. # 20-18 (See Attached 2A)

Res. Approving Alderman Patton moved, seconded by Alderman Smith to approve
Existence & Renewal Resolution Approving Existence and Renewal of Local Disaster
Of Local Disaster & and State of Emergency Due to COVID-19 Pandemic.
State of Emergency
Due to COVID-19
Pandemic

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Swibes, Tillman, Williams,
Gardner, Smith, Patton.

NAYS: 0 ALDERMAN: None

ABSENT: 0 ALDERMAN: None

MOTION CARRIED

Res. # 20-12 (See Attached 2B)

Approve Renewal Of the City's Property & Liability Insurance Alderman Gardener moved, seconded By Alderman Williams, to confirm action to renew the City's Property and Liability Insurance for a total of \$494,321.00; direct the City Treasurer to remit payment to Mesirow Alliant from account #01050-52230; authorize the City Administrator to execute the application.

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Swibes, Tillman, Williams, Gardner, Smith, Patton.
NAYS: 0 ALDERMEN: None
ABSENT: 0 ALDERMEN: None

MOTION CARRIED

Approve bill listing (\$662,610.61) & Approve emergency bill listing (\$1,565,518.33) Alderman Smith moved, seconded by Alderman Patton, to approve the bill listing (\$662,610.61) and emergency bill listing (\$1,565,518.33).

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Swibes, Tillman, Williams, Gardner, Smith, Patton.
NAYS: 0 ALDERMEN: None
ABSENT: 0 ALDERMEN: None

MOTION CARRIED

Discussion on
Cannabis Business

There was a lengthy discussion to accept the recommendation to allow cannabis businesses in Calumet City.

Adjournment

Alderman Smith moved, seconded by Alderman Swibes, to adjourn at 12:22 p.m.

MOTION CARRIED

X 
Nyota T. Figgs
City Clerk