

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8, SECTION 8-6-1-1 (DISORDERLY CONDUCT) OF THE ORLAND PARK VILLAGE CODE

WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Village has previously exercised this authority by adopting Section 8-6-1-1 of the Village Code, which defines and proscribes disorderly conduct within the corporate boundaries of the Village; and

WHEREAS, the health, safety, and welfare of the Village and its citizens have been and continue to be under serious threat due to COVID-19, a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and for which there is not, at present, a widely available vaccine or other effective treatment; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has provided guidance regarding mitigation methods to stop the spread of COVID-19. These methods include wearing a mask, staying 6 feet apart and avoiding crowds;¹ and

WHEREAS, COVID-19 has placed and continues to place an unprecedented burden on the residents, healthcare providers, and first responders of the Village; and

WHEREAS, the Orland Fire Protection District transports patients exclusively to Silver Cross, Palos Community or Advocate Christ Hospital. The Department of Health and Human Services has published the numbers of Intensive Care Unit (ICU) beds available on average over the week ending December 10, 2020. This data shows that 91% of Silver Cross, 90% of Palos Community and 87% of Advocate Christ Hospital ICU beds are full, higher than the average of both the state of Illinois and United States at large;² and

WHEREAS, the Governor of Illinois, as well as the Illinois, Cook County, and Will County Departments of Health, have all stated the precautions and mitigations currently believed to be reasonable and necessary to control and reduce the spread of COVID-19; and

WHEREAS, the Village of Orland Park Back to Normal Plan highlights the importance of mask wearing in particular situations to protect from the spread of COVID-19. Stating for general

¹ United States Centers for Disease Control and Prevention (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/need-to-know.html>.)

² United State Department of Health and Human Services (<https://www.nytimes.com/interactive/2020/us/covid-hospitals-near-you.html>)

guidance during all phases, that individuals should "Follow CDC guidance regarding the usage of masks if social distance cannot be maintained, particularly in indoor settings;³ and

WHEREAS, it is of vital importance that all residents of, visitors to, and businesses located within the Village take additional steps to prevent the transmission and spread of COVID-19 within the Village. These steps will instill confidence in consumers that they can shop in Orland Park safely which will increase revenue for our businesses; and

WHEREAS, even with the development of a COVID-19 vaccine which has started to be distributed throughout the United States, mask wearing by all people is still recommended regardless of whether they have received the vaccine or not. Additionally, the vaccine will not be available for every person who wants it until the middle or late of 2021;⁴ and

WHEREAS, the President and Board of Trustees of the Village of Orland Park have determined that, at a minimum, (i) wearing a facial covering sufficient to cover the nose and mouth while indoors in any building, structure, or location customarily held open to the public and (ii) maintaining a minimum distance of at least six feet between persons who are not of the same household are reasonable and necessary precautions that are effective to mitigate the spread of COVID-19; and

WHEREAS, it is the intent of the President and Board of Trustees of the Village of Orland Park to set out minimum standards for the protection of public health, safety and welfare within the Village; however, the amendment affected by this ordinance is not intended and shall not be construed as limiting or avoiding the effect of any other laws, orders, and/or directives enacted or given by any competent authority, including but not limited to any and all executive orders issued by the Governor; and

WHEREAS, the amendment affected by this Ordinance is specifically intended as a measure in response to the ongoing COVID-19 pandemic and the President and Board of Trustees of the Village do not intend that such amendment shall survive past the end of the pandemic; rather, it is the expressed intent of the Village and Board of Trustees that this Ordinance will be repealed in the future when the COVID-19 precautions are determined to be no longer necessary. Additionally, this amendment shall not be applied to any residential buildings and meant for commercial properties only; and

WHEREAS, the President and Board of Trustees of the Village of Orland Park have determined that it is necessary and expedient, and in the best interests of the Village and its citizens; to amend Section 8-6-1-1 of the Village Code to include the violation of certain COVID-19 precautions and mitigations within the meaning of "disorderly conduct" as set forth in the Village Code; and

³ Village of Orland Park Back to Normal Plan

([https://orlandpark.org/UserFiles/Servers/Server_14039774/File/covid/VOP%20Back%20To%20Normal%20-%20update%205-22\(links\).pdf](https://orlandpark.org/UserFiles/Servers/Server_14039774/File/covid/VOP%20Back%20To%20Normal%20-%20update%205-22(links).pdf))

⁴ United States Center for Disease Control and Prevention (<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html>)

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, and pursuant to its home rule powers, as follows:

SECTION 1:

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2:

Title 8, Chapter 8, Section 8-6-1-1 (DISORDERLY CONDUCT) of the Village Code is hereby amended to read as follows:

“8-6-1-1: DISORDERLY CONDUCT:

Any of the following acts shall, when knowingly committed within the Village be considered as disorderly conduct:

13. Entering and remaining within any enclosed building, structure or space that is open to the public and which is or may become occupied by other persons who are not part of his own household without wearing a facial covering that fully covers both his nose and mouth simultaneously. It shall not be a violation of this section for a person to remove his facial covering at a time when it would otherwise be required so long as:
 - i. He is seated at a table or bar seating area; and
 - ii. Said table or bar seating area is located at least six feet from any other table(s); and
 - iii. The person is at least six feet from any person who is not part of his own household; and
 - iv. The person is actively engaged in the activity of eating and/or drinking

A violation of this Subsection of Title 8, Chapter 8, Section 8-6-1-1 shall be subject to a fine of not less than \$75.00 and not more than \$1,000.00 for each such violation.

14. Permitting any other person to enter and remain within any enclosed building, structure, or space that is within his possession and control and customarily held open to the public unless such other person is wearing a facial covering that fully covers both his nose and mouth simultaneously. It shall not be a violation of this section for a person to permit another to enter and remain upon his premises without an adequate facial covering if, and only if:
 - i. The person(s) is/are seated at a table or bar seating area; and

- ii. Said table or bar seating area is located at least six feet away from any other table(s); and
- iii. The person(s) is/are at least six feet from any other person who is not part of their own household; and
- iv. The person(s) is/are actively engaged in the activity of eating and/or drinking.

A violation of this Subsection of Title 8, Chapter 8, Section 8-6-1-1 shall be subject to a fine of not less than \$75.00 and not more than \$1,000.00 for each such violation.

SECTION 3:

In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, clause or clauses.

SECTION 4:

That all ordinances, resolutions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 5:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.