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AN ORDINANCE AMENDING TITLE 8 OF THE ORLAND PARK VILLAGE CODE WITH REGARD TO CIVIL EMERGENCIES AND DISASTERS AND THE VILLAGE PRESIDENT’S AUTHORITY TO DECLARE A STATE OF EMERGENCY

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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 to protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/11-1-6, the corporate authorities may by ordinance grant to the Village President the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens and residents of the Village that the Village President has the ability to exercise this authority in order to respond to an emergency after signing, under oath, a statement finding that the standards established by this ordinance have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

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

SECTION 2

Title 8, Chapter 7, Section 8-7-2-1 is amended so as to read in its entirety as follows:

“8-7-2-1: DEFINITIONS

LOCAL CIVIL EMERGENCY: A local civil emergency is hereby defined to be:

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 (3) or more persons acting together without authority of law; or

The occurrence or threat of widespread or severe damage, injury or loss of life or property within the corporate limits of the Village resulting from any natural disaster, catastrophe, pestilence, contagious disease or other health emergency which is likely to cause

loss of life, loss of productivity, hardship or suffering to the persons residing in or doing business in the Village, manmade calamity or technological cause, including but not limited to fire, flood, cyclone, tornado, earthquake, explosion, storm, hazardous materials spill or other water contamination requiring emergency action and extraordinary measures to protect the public health, safety and welfare in order to avert danger or damage, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, contagious disease, public health emergencies, or acts of domestic terrorism.

CURFEW: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.”

SECTION 3

That Title 8, Chapter 7, Section 8-7-2-2 is hereby amended so as to read in its entirety as follows:

“8-7-2-2: DECLARATION OF EMERGENCY; PROCEDURES:

Whenever a local civil emergency as defined in Section 8-7-2-1 of this Chapter exists, the Village President shall declare the existence thereof by means of an executive order, which shall be in the form of a signed, written declaration under oath that includes the following:

1. A statement finding that the standards set forth in Section 8-7-2-1 have been met;
2. Facts that substantiate the findings above, including reference to published statements of federal, state, or county agencies whose duties are to address emergency matters;
3. A description of the nature of the emergency;
4. A declaration that a state of local civil emergency exists.

Such executive order shall be filed with the Village Clerk as soon as practicable. A state of a local civil emergency, declared as provided in this Section, shall expire not later than the adjournment of the first regular meeting of the Village after the state of local civil emergency is declared.

After declaration of a local civil emergency by the Village President, he/she may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he/she deems advisable, and applicable during such hours of the day or night as he/she deems necessary in the interest of the public safety and welfare.

After the declaration of a local civil emergency, the Village President may also, in the interest of public health, safety and welfare, make any or all of the following orders:

1. 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.
2. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
3. Order the discontinuance of the selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
4. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
5. Issue such other executive orders as are imminently necessary for the protection of health, life and property and to respond to the emergency.

The declaration of a state of local civil emergency, pursuant to this Section, may not suspend in any way the rights of residents of the Village under the Illinois Constitution or the United States Constitution.

Upon issuing the executive order herein authorized, the Chief of Police shall notify the news media situated within the Village and shall cause three (3) copies of the executive order declaring the existence of the emergency to be posted at the following places in the Village: the Village Hall, the Police Station and the Post Office.

SECTION 4

Title 8, Chapter 7 is hereby amended to add the following Section 8-7-2-3:

“8-7-2-3: EMERGENCY PROCUREMENTS:

Notwithstanding any other provisions of this Section of this Code, the Village Manager may make, or authorize the Contract Administrator and others designated by the Village Manager to make, emergency procurements of supplies, services, or construction items when there exists an immediate threat to public health, welfare, or safety. An emergency procurement must be made with as much competition as is practicable under the circumstances. A written determination of the basis for the selection of the particular contractor shall be filed with the Village Clerk. As soon as practicable, a record of each emergency procurement shall be made, including the contractor's name, the amount and type of the contract, and a listing of the items procured under the contract.

SECTION 5

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6

This ordinance shall be in full force and effect from and after its adoption, as provided by law.