

1/24/2006

**12-O-06**

**AN ORDINANCE**

**Amendment to the City of Evanston Health Department  
Ordinance Pertaining to the Declaration and Regulations  
Concerning Quarantine and Isolation Measures**

**WHEREAS**, the Ordinance establishing the City of Evanston Department of Health was originally passed in 1957; and

**WHEREAS**, the City Department of Health serves all areas of the City of Evanston and also performs functions in areas throughout the City to the extent such functions are delegated to the City of Evanston Department of Health by the Illinois Department of Public Health; and

**WHEREAS**, the City of Evanston is currently certified as a health department by the Illinois Department of Public Health; and

**WHEREAS**, section 8-1-3-1 of the City Code established the powers and the duties of the Public Health Director; and

**WHEREAS**, revisions to this ordinance are needed to better protect the residents of the City of Evanston from new and emerging public health threats, such as Severe Acute Respiratory Syndrome (SARS), Avian Flu, and bioterrorism; and

**WHEREAS**, revisions to this ordinance are also needed to update references to State law which have changed since the Ordinance was initially adopted; and

**WHEREAS**, the appearance of SARS and heightened concerns about the responses required by local health authorities to potential bioterrorism have resulted in the need to review the local, state and federal provisions; and

**WHEREAS**, the United States Center for Disease Control and Prevention (CDC) requested that all local health departments have in place emergency plans which include procedures for the rapid and effective implementation of measures such as quarantine, isolation of closures of premises as required for the protective of the public's health; and

**WHEREAS**, the proposed revisions provide clearer guidance and authority to the City of Evanston Department of Health with regard to immediate public health measures including the issuance of emergency regulations and including provisions for City Council approval of Department regulations; and

**WHEREAS**, the proposed revisions balance the need to protect the public with the need to provide due process to individuals who have or who may have been exposed to, dangerously communicable diseases.

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

**SECTION 1:** That Title 8 of the City Code of the City of Evanston is hereby amended by adding a new Chapter 25 entitled, "Emergency Quarantine Authority" which shall read as follows:

**8-25-1: Definitions:**

For the purposes of this section the following words or phrases shall have the meaning given herein.

1. **“Chemical or radiological contamination”** means a person who has been exposed to and may physically have on their person any toxic or poisonous chemicals or precursors of toxic or poisonous chemicals, or radiation or radioactive materials at a level dangerous to human life.
2. **“Chief of Police”** means the Chief of the Evanston Police Department.
3. **“City”** means the City of Evanston, Illinois.
4. **“Communicable disease”** means a disease or condition, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person or animal or contaminated environment to the body of another person or animal.
5. **“Decontamination”** means the cleansing process by which chemical or radiological contamination is removed from a person, animal or environment.
6. **“Exposure”** means contact with suspected cases of a disease or a contaminated environment where there may be contact, absorption, ingestion or inhalation of an infectious agent or chemicals or radiation or radioactive materials that may result in infection with a disease or radiation illness.
7. **“Public Health Director”** means the Public Health Director of the City of Evanston, Illinois, in the Department of Health or their designee.
8. **“Isolation”** means the separation for the longest period of communicability of infected individuals, premises and animals from other individuals and animals in places and under conditions as will prevent the direct and indirect transmission of the communicable disease from infected individuals or animals who are susceptible or who may spread the agents to others.
9. **“Quarantine”** means the separation from others of persons, groups of persons, premises or animals who had the opportunity to acquire a communicable disease or chemical or radiological contamination through an infected person, animal or contaminated environment. The usual period of time will not be longer than the longest period of communicability of the disease or in the event of chemical and radioactive contamination, until decontamination occurs. The purpose of quarantine is to prevent direct or indirect transmission of the communicable disease, chemical or radiological contamination to other persons, animals or environments.
  - (a) **“Complete Quarantine”** means a limitation of freedom of movement of persons, groups of persons or animals exposed to a communicable disease for a usual period of time not longer than the longest

period of communicability of the disease or in the event of exposure to chemicals or radiation, until decontamination occurs, in order to prevent effective contact with the general population.

(b) **“Modified Quarantine”** means a selective, particular limitation of freedom of movement of persons, groups of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of persons from geographic areas or school or child care, the closure of schools, child care centers, places of public or private assembly, and the prohibition or restriction of those exposed to a communicable disease or chemical or radiation contamination from engaging in travel into or from a specified area or in a particular occupation or activity.

(c) **“Quarantine of Premises”** means the closure of buildings, or parts of buildings, both public and private until declared safe by the Director or his or her designated representative.

**8-25-2: Establishment of Quarantine or Isolation:**

The Public Health Director shall, within one hundred twenty (120) days, establish appropriate quarantine or isolation rules and regulations as necessary to prevent the introduction or transmission of communicable disease, as defined in Section 8-25-1 of the City Code, or chemical or radiological contamination into, within, or from the City including the City water works.

**8-25-3: Quarantine and Isolation Orders and Notice – Including Complete Quarantine, Modified Quarantine, and Quarantine of Premises:**

1. Any quarantine and isolation order issued by the Public Health Director shall be in writing and contain:

(a) the identification of the person, group of persons, premises or animals to be confined, closed or excluded;

(b) the basis for the Public Health Director's determination that the person, group of persons or animals have a communicable disease, may be incubating a communicable disease, or have chemical or radiological contamination and that the person, group of persons or animal(s) pose(s) a substantial threat to the public health and that quarantine or isolation is necessary to protect and preserve the public health, or that a premises is in such a condition that could lead to such communicable disease or contamination. The premises shall be posted with a Notice that the premises is

under quarantine. It shall be a violation of this ordinance for any person without the consent of the Public Health Director to remove said Notice;

(c) the Notice shall provide the following:

(1) the period of time during which the order shall remain effective;

(2) the place of confinement or exclusion as designated by the Public Health Director; and

(3) the steps necessary to prohibit the illegal entry or occupancy of a premises.

2. Further orders of quarantine and isolation pursuant to this section may be issued to previously quarantined or isolated persons, groups of persons, premises or animals in the event the Public Health Director deems additional quarantine and isolation time is necessary to protect and preserve the public health.

**8-25-4: Isolation and Quarantine Premises:**

Entry into quarantine and isolation premises shall be restricted under the following conditions:

1. The Public Health Director may authorize physicians, health care workers, or others access to individuals in quarantine or isolation as necessary to meet the needs of quarantined or isolated individuals.

2. No person, other than a person authorized by the Public Health Director, shall enter quarantine or isolation premises.

3. Any person entering a quarantine or isolation facility must possess infection control knowledge and use appropriate personal protective equipment.

4. Any person entering a quarantine or isolation premises with or without the authorization of the Public Health Director may be quarantined or isolated.

5. The Public Health Director may take whatever action necessary to decontaminate any premises and charge the owner the cost of such decontamination and said cost shall be a lien on the property.

**8-25-5: Relief from Isolation and Quarantine:**

A person confined or excluded, or owner of an animal confined under this section shall have relief from isolation if the Public Health Director determines:

1. the person or animal ordered confined or excluded is no longer infected with a communicable disease; or
2. the person or animal no longer poses a substantial threat to the public health;
3. confinement or exclusion of the person or animal is not necessary and the least restrictive alternative to protect and preserve the public health; and
4. the owner of the quarantined premises produces documentation satisfactory to the Public Health Director showing either mitigation or that no contamination (chemical, radiological or biological) is present, and that the premises no longer presents any health hazard.

Any person aggrieved from a decision or order of the Public Health Director may appeal such decision within ten (10) working days of the decision or order. A panel of three (3) Medical Doctors established by the rules and regulations as defined in Section 8-25-2 shall hold a hearing within ten (10) working days of the appeal. The hearing shall determine if the decision or order was appropriate. An appeal does not stay the decision of the Public Health Director. Neither the City of Evanston nor any of its employees, agents, contractors or members of the police department shall be held responsible for any lost wages, income or other damages due to the quarantine or isolation imposed hereunder.

**8-25-6: Enforcement:**

Whenever the Public Health Director issues an order of isolation and quarantine within the City of Evanston, a copy of the order shall be transmitted to the City Manager, the Chief of Police, the City Fire Department and the Evanston Emergency Management Agency (EEMA) and to officials in the county where the premises are located if not in the City. The Chief of Police, the City Fire Department and the Evanston Emergency Management Agency (EEMA) are directed to aid and assist the Public Health Director, or the Director's designee, in the enforcement of the quarantine or isolation order whenever requested to do so.

**8-25-7: Penalty Clause:**

1. Any person who violates the provisions of this Ordinance, or any regulations promulgated hereunder, or any Department orders authorized under this Ordinance or under applicable law shall be subject to fines of not less than two hundred fifty dollars (\$250.00) and up to five hundred dollars (\$500.00) per offense, and each day that a quarantine or isolation order is violated shall constitute a separate offense. Violators are subject to arrest where reasonably necessary to protect the public's health.

2. In addition to any other remedies permitted under this Ordinance, the City of Evanston Law Department may file a complaint in the Circuit Court of Cook County to enjoin any person from violating the provisions of this Ordinance, or any regulations promulgated hereunder or any Department orders provided for under this Ordinance.

**8-25-8: Severability Clause:**

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the City Council would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 13, 2006

Adopted: February 27, 2006

Approved:

February 28, 2006

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel