

**54-O-20**

**AN ORDINANCE**

**Amending City Code Title to 8, Chapter 1, Section 3-1, "Powers and Duties," to Include "Pandemics" and a "Penalty" Section**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are hereby found as fact and incorporated herein by reference.

**SECTION 2:** Title 8, Chapter 1, Section 3-1(C), "Epidemics," of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

**8-1-3-1. - POWERS AND DUTIES.**

(C) *Diseases: Epidemics and Pandemics.* In the case of ~~an epidemic disease~~ any disease outbreak inclusive of any epidemic disease or any disease event categorized as a pandemic disease or of danger from an anticipated or impending epidemic or pandemic disease, or in case the sanitary conditions of the City should be of such character as to warrant, it shall be the duty of the Public Health Director or the City Manager or his/her designee to take such measures and to do, order and cause to be done such acts for the preservation of the public health as he/she may in good faith declare the public safety and health demands, except as may be herein, elsewhere or otherwise specially authorized.

**SECTION 3:** Title 8, Chapter 1, Section 3-1, "Powers and Duties," of the Evanston City Code of 2012, as amended, is hereby amended to add subsection (F)

and to read as follows:

**8-1-3-1(F). - PENALTY.**

- (A) Any person who violates the provisions of this Chapter, or any regulations promulgated hereunder, or any orders authorized under this Chapter or under applicable law shall be subject to fines of not less than 100 dollars (\$100.00) and up to two hundred and fifty dollars (\$250.00) per offense, and each day this Code is violated shall constitute a separate offense.
- (B) In addition to any other remedies permitted under this Chapter, the Corporation Counsel may file a complaint in the Circuit Court of Cook County to enjoin any person from violating the provisions of this Chapter, or any regulations promulgated hereunder or any department orders provided for under this Chapter.

**SECTION 4:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6:** This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

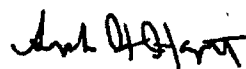
**SECTION 7:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: April 27, 2020, 2020

Approved:

Adopted: April 27, 2020, 2020

April 30, 2020



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Stephen H. Hagerty, Mayor

Attest:

*Eduardo Gomez*

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~~Devon Reid, City Clerk~~

Eduardo Gomez, Deputy City Clerk

Approved as to form:



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Kelley A. Gandurski, Corporation Counsel