



## Legislation Text

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**File #:** ORD20-1645, **Version:** 1

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### An Ordinance Amending Chapter 134 of the Village Code of Ordinances (Emergency Curfew)

WHEREAS, on June 1, 2020, the Governor of the State of Illinois declared that a disaster existed in several counties in the State of Illinois, including Will County, based on a number of occurrences of aggressive and damaging actions including setting cars on fire, breaking into stores, vandalizing buildings and looting, which circumstances taken together constituted rioting in the affected areas, including Will County; and

WHEREAS, the Village finds that instances of rioting have occurred in the City of Joliet, a municipality adjacent to the Village of Romeoville, and that rioting has also occurred within the City of Naperville, a municipality within reasonable proximity to the Village of Romeoville; and

WHEREAS, these actions have occurred and taken place against the backdrop of the ongoing COVID-19 gubernatorially declared disaster and public health emergency which has and will continue to place continuing demands on the Village Police and Fire Departments and Emergency Management Agency; and

WHEREAS, these actions have also occurred at the same time as peaceful demonstrations have been ongoing to seek justice in the George Floyd officer-involved death, and more generally to continue the pursuit of racial justice and inequality in the United States; and

WHEREAS, the Village of Romeoville recognizes and supports the right of all members of the public to demonstrate and protest peacefully as guaranteed by the First Amendment, and will continue to take all necessary measures to ensure the safe and lawful exercise of those rights; and

WHEREAS, the above-mentioned circumstances including the occurrence of rioting, the continuing COVID-19 disaster and the need to facilitate and protect the safe and lawful exercise of First Amendment rights of assembly within the Village of Romeoville necessitate that the Village have available additional means of promoting and ensuring public order and safety for all members of the community; and

WHEREAS, Section 11-1-5 of the Illinois Municipal Code (65 ILCS 5/11-1-5) authorizes the Corporate Authorities of the Village of Romeoville by ordinance to declare a curfew throughout all or any part of the Village, and to establish the conditions and restrictions thereof; and

WHEREAS, municipalities in Will County, including but not limited to the Cities of Naperville, Joliet and Crest Hill, as well as the Village of Lemont, have all utilized the declaration of a curfew as a means of ensuring and promoting public safety at the present time; and

WHEREAS, the Village of Romeoville finds that during a gubernatorially declared disaster or emergency that includes Will County, the ordinance-based ability to declare a curfew within all or any part of the Village subject to such conditions as are expressed in the ordinance provides the Village of Romeoville with an additional means of ensuring the public health, safety and welfare of all of its residents; and

WHEREAS, the Village of Romeoville is a home rule municipality under the Illinois Constitution of 1970; and

WHEREAS, it is in the best interests of the Village to enact the amendments to Chapter as more fully hereinafter set forth and in the exercise of the Village's home rule authority.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: AMENDMENT TO CHAPTER 134 OF THE VILLAGE CODE OF ORDINANCES. All those portions of all heretofore adopted Village Ordinances codified at Chapter 134 of the Village Code of Ordinances shall hereby be amended by the addition of the following text, to be codified as and for a new Section 134.50:

#### 134.50 CURFEW IN EVENT OF STATE DISASTER DECLARATION

(A) At any time when the Governor of the State of Illinois shall have issued an official gubernatorial disaster proclamation including or applying to the County of Will, the Village President shall have the authority to determine the necessity of a curfew to protect the health, safety and welfare of the Village of Romeoville and its residents during the existence of any gubernatorially declared disaster or emergency, and to issue his written declaration of a disaster-based curfew for the Village of Romeoville or any defined portion thereof, subject to the terms, conditions and provisions hereinafter set forth in this Section 134.50. As used herein, "curfew" shall mean and include a prohibition on any person or persons being present on any street, road, highway, sidewalk, public way, public property or vacant property within the corporate limits of the Village, except as may be otherwise provided for in this Section 134.50, or except as may be otherwise provided in any written declaration of curfew issued by the Village President.

(B) The Village President shall declare the applicability of a curfew to all or any defined part of the Village of Romeoville based on a gubernatorially declared disaster or emergency by means of a written declaration of curfew signed under oath filed as soon as practicable with the Village Clerk or Deputy Clerk. The written declaration shall make reference to the underlying gubernatorial disaster declaration and to the facts and circumstances underlying such declaration. Such written declaration of curfew shall apply to the entire Village or to such defined parts thereof as the Village President shall deem advisable, and during such hours of the day and night as he shall determine to be necessary for the protection of the health, safety and welfare of the Village and its residents.

(C) A written declaration of curfew issued pursuant to this Section 134.50 shall expire at such date and time as may be noted therein, provided, however, that in no event shall the duration of a declaration of curfew extend beyond (1) the adjournment of the first regular meeting of the Village Board of Trustees occurring after the issuance of a written declaration of curfew or (2) the expiration of the underlying gubernatorial disaster or emergency declaration, whichever shall first occur. The expiration of a declaration of curfew shall not prevent the Village President from declaring a subsequent or further written declaration of curfew if the same shall be in accordance with the provisions of this Section 134.50. The Village President shall further be authorized to terminate any previously issued written declaration of curfew by a written declaration of termination issued in

the same manner as the written declaration of curfew to which it relates.

(D) Upon the issuance of a written declaration of curfew by the Village President, the Village shall cause copies of the same to be posted at the Village Hall and the Village Police Department, and shall cause the same to be posted on the Village's website. The Village shall also cause copies of the same to be transmitted to all members of the news media then receiving copies of Village Board agendas, or who shall request copies of the same.

(E) Any of the following classes of persons shall be exempt from the provisions of any curfew declared pursuant to this Section 134.50:

(1) Those persons actively engaged in lawful employment activities permitted under the provisions of any Executive Order issued by the Governor of the State of Illinois, or any persons traveling to or from such employment without detour or stop;

(2) Any persons traveling for the purpose of obtaining emergency medical treatment or healthcare services; and

(3) Any employees of the Village of Romeoville or other governmental entities engaged in providing services in response to any gubernatorially declared disaster or emergency, or otherwise to serve the needs of the residents of the Village of Romeoville.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, and as of such effective date, the Economic Development Commission shall be deemed to have been dissolved.