

# ORIGINAL

## ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 20 ("PUBLIC HEALTH"), ARTICLE 1 ("OAK PARK DEPARTMENT OF PUBLIC HEALTH"), SECTION 20-1-6 ("AUTHORITY AND DUTIES OF THE DIRECTOR") OF THE OAK PARK VILLAGE CODE TO PERMIT THE PUBLIC HEALTH DIRECTOR TO MAKE REASONABLE RULES, REGULATIONS AND ORDERS DUE TO THE OUTBREAK OF COVID-19 DISEASE**

**WHEREAS**, State of Illinois Governor JB Pritzker issued a disaster proclamation on March 9, 2020 due to the COVID-19 disease outbreak in the State of Illinois ("Illinois"), and a disaster proclamation is currently in effect through October 17, 2020; and

**WHEREAS**, Governor Pritzker has issued several executive orders since March 9, 2020 regarding the COVID-19 disease outbreak, including, but not limited to, Executive Order 2020-10 (COVID Executive Order No. 8) requiring all individuals currently living in the State to stay at home or at their place of residence ("Stay at Home Order"), including in Oak Park; and

**WHEREAS**, Governor Pritzker extended his Stay at Home Order through April 30, 2020 pursuant to Executive Order 2020-18 (COVID Executive Order No. 16) and announced on April 23, 2020 that he would further extend his Stay at Home Order through May 29, 2020; and

**WHEREAS**, on June 26, 2020, Governor Pritzker issued Executive Order 2020-43 (COVID-19 Executive Order No. 41) which requires individuals to practice social distancing, wear face coverings in public places or when working with limited exceptions, and limits gatherings to no more than fifty people; and

**WHEREAS**, Governor Pritzker has extended Executive Order 2020-43 (COVID-19 Executive Order No. 41) through October 17, 2020 pursuant to Executive Order 2020-55 (COVID-19 Executive Order No. 51); and

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared the COVID-19 disease outbreak a worldwide global pandemic; and

**WHEREAS**, the Village Board previously declared an emergency in the Village of Oak Park ("Village") through April 6, 2020 pursuant to Section 8-10-5 of the Illinois Municipal Code and Sections 2-6-10, 2-27-9 and 20-1-6(Z) of the Village Code by its adoption of Resolution 20-120 on March 13, 2020; and

**WHEREAS**, the Village Board extended its declaration of emergency in the Village through May 5, 2020 by its adoption of Resolution 20-124 on April 6, 2020; and

**WHEREAS**, the Village Board further extended its declaration of emergency in the Village through June 1, 2020 by its adoption of Resolution 20-128 on April 27, 2020; and

**WHEREAS**, the Village Board adopted Resolution 20-184 to reestablish the declaration of emergency from July 27, 2020 through September 14, 2020; and

**WHEREAS**, the public health of the residents, visitors, and workers in the Village and Village employees continue to be affected by the outbreak of the COVID-19 disease in Illinois; and

**WHEREAS**, pursuant to Section 20-1-6(Z) of the Village Code, the Village's Public Health Director has the authority to make "reasonable rules, regulations and orders . . . as may from time to time be deemed necessary for the preservation and improvement of the public health and for the suppression of disease" and in cases of emergency, such rules, regulations and orders are not required to be reviewed by the Village Board of Health and approved by the Village Board; and

**WHEREAS**, the authority of the Public Health Director under Section 20-1-6(Z) will expire on November 15, 2020; and

**WHEREAS**, public health in the Village continues to be affected due to the outbreak of COVID-19 disease in the State of Illinois; and

**WHEREAS**, the Village Board has determined to codify the Public Health Director's authority to make reasonable rules, regulations and orders through February 16, 2021 at 11:59 p.m. due to the outbreak of COVID-19 disease.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein as though fully set forth.

**Section 2. Village Code Amended.** Chapter 20 ("Public Health"), Article 1 ("Oak Park Department of Public Health"), Section 20-1-6 ("Authority and Duties of the Director") of the Oak Park Village Code is amended to delete the overstricken language and add the underlined language to read as follows:

**20-1-6: AUTHORITY AND DUTIES OF THE DIRECTOR:**

The Director, subject to regulation approval by the Village Board and the direction of the Village Manager, shall have the power, and it shall be the Director's duty to:

A. Enforce all State laws, all rules, regulations and orders of the State and Village Departments of Public Health, the Village Health Department Code, and all Village ordinances relating to public and environmental health.

B. Investigate the existence of any contagious or infectious disease within the Village and to adopt measures to prevent or arrest progress of the same.

C. Initiate and carry out, at the direction of the Board, programs and activities of all kinds not inconsistent with law that may be deemed necessary or desirable in the promotion and protection of health and the control of disease or conditions which threaten the public's health.

D. Make all necessary sanitary and health investigations and inspections.

E. Cause all nuisances affecting the health of the public (and all violations of Statutes and ordinances relating to public health) to be abated with all reasonable promptness.

F. Develop statistical data as an administrative tool which may be used in other lawful Village activities as well as in planning, executing and evaluating Health Department programs and activities.

G. Cooperate with federal and state health authorities to combat new or evolving public health threats and, where appropriate, make or adopt public health proclamations, guidelines, bulletins or health advice published or promoted, in any form, by federal or state health officials pertaining to the preservation of the public's health.

H. Coordinate any and all health plans and activities with local area municipal, county and state health planning efforts to provide a coordinated response for the control of diseases or conditions which threaten the public health.

I. Investigate the existence of any contagious or infectious diseases and take measures necessary to prevent the spread of dangerously contagious diseases including, but not limited to, directing the performance of physical examinations and tests, the collection of laboratory specimens, the administration of vaccines, medications, or other treatments and the observation and monitoring of persons who may have been exposed to a dangerously contagious disease.

J. Determine when diseases are contagious or epidemic or when a danger to the public's health exists and order those measures deemed necessary to protect the public's health including, but not limited to, the quarantine or isolation of persons or closure of places when such action is required to protect the public's health, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no immediate threat to the public health any longer exists.

K. Provide such temporary public clinics as may be deemed necessary.

- L. Provide for professional health educator services.
- M. Provide for necessary laboratory services.
- N. Give professional advice and information to all Village, Township and school authorities within the Village in all matters pertaining to environmental and public health.
- O. Provide continuing education and in-service training for staff.
- P. Serve as Local Registrar of Vital Statistics and compile same as required by law.
- Q. Prepare annual reports on the actions of the Department.
- R. For any suspected violation of this chapter or state law, enter any building, structure or premises, according to law, for the purpose of determining whether there is a violation of any of the health provisions of this chapter or the health provisions of state law.
- S. Cause to be confined, and specify the conditions of such confinement, any person who fails to comply with an order of the Department or the Court or who, in the judgment of the Department, may not be relied upon to comply with an order of the Department, where such confinement is necessary to protect the public health.
- T. Cause to be arrested any person who violates an order of the Illinois Department of Public Health.
- U. In a manner consistent with federal and state requirements, as applicable, during an occurrence of biological or chemical terrorism or during a declared disaster which threatens the public's health, request, and at sites designated by the Department of Public Health, receive and cause to be distributed pharmaceutical and medical supplies from the Illinois Pharmaceutical Stockpile, the Strategic National Stockpile and/or any additional sources in order to aid the state and local emergency response authorities when local resources have been depleted or when the need for additional resources is reasonably anticipated.
- V. During a declared disaster which threatens the public's health, take such actions as may be requested by the President and the Board or the President's designee in order to protect the health of the residents of the Village.

W. Inspect and survey any and all facilities, programs and personnel within the Village of Oak Park which provide health services to ensure that adequate standards of healthcare are being met.

X. Take whatever measures are necessary to secure the public's health in the event that a serious condition exists which endangers the health of the public, whether individually or severally, including the authority to issue cease and desist orders or placard any residence, public or private building, any establishment or other public place until such time that the health hazard no longer exists.

Y. Have and exercise general supervision over all activities of the Health Department. All orders and directions emanating from the Department of Public Health shall be issued in the name of the Director.

Z. Make such reasonable rules, regulations and orders and such sanitary investigations as may from time to time be deemed necessary for the preservation and improvement of the public health and for the suppression of disease, including, but not limited to, rules and regulations which require the reporting to the Department of circumstances defined by the Department which may result in action by the Department to protect public health; and/or the enforcement when so authorized of applicable rules and regulations promulgated by other authorities having the power to make such rules and regulations, such as the Illinois Department of Public Health. Except in cases of emergency, before implementation of such rules and regulations, they shall be reviewed by the Village Board of Health, be approved by the Village Board of Trustees and be entered into the Health Department Code and enforced by the Village Department of Public Health.

AA. Perform such other duties as may be required to secure and preserve the public's health.

AB. Make such reasonable rules, regulations and orders as may from time to time be deemed necessary without review by the Village Board of Health and approval by the Village Board of Trustees due to the outbreak of COVID-19 disease in the State of Illinois through ~~November 15, 2020~~ February 16, 2021 at 11:59 p.m. Any rules, regulations and orders promulgated by the Public Health Director prior to ~~June 1~~ November 15, 2020 due to the outbreak of COVID-19 disease which are not due to expire on or before ~~June 1~~ November 15, 2020 shall remain in effect through their respective expiration dates or through ~~November 15, 2020~~ February 16, 2021 as applicable.

**Section 3. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall

not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**ADOPTED** this 19<sup>th</sup> day of October, 2020, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb	✓			
Trustee Andrews	✓			
Trustee Boutet	✓			
Trustee Buchanan	✓			
Trustee Moroney	✓			
Trustee Taglia	✓			
Trustee Walker-Peddakotla	✓			

**APPROVED** this 19<sup>th</sup> day of October, 2020.

  
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 Anan Abu-Taleb, Village President

ATTEST

  
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 Vicki Scaman, Village Clerk

Published in pamphlet form this 19<sup>th</sup> day of October, 2020.

  
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 Vicki Scaman, Village Clerk