

ORDINANCE NO. 2020-155

**ORDINANCE AMENDING CITY CODE
-CHAPTER 73-
OFFENSES
REGARDING MANDATORY FACE COVERINGS
TO PRESERVE AND PROTECT RESIDENTS**

WHEREAS, the City of Decatur, Illinois, Macon County, Illinois (“City”), is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-20-5, provides that municipalities may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and,

WHEREAS, the City has determined that the outbreak of novel coronavirus (“COVID-19”), a highly contagious disease, jeopardizes the public health and safety of the residents of the City; and,

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) and the Illinois Department of Public Health (“IDPH”) have identified the risks associated with the outbreak of COVID-19 and made recommendations for suppression of the disease that include all individuals wear face coverings in public settings where other social distancing measures may be difficult to maintain because persons who are asymptomatic can spread COVID-19; and,

WHEREAS, in order to protect the health, safety and welfare of the persons within the City, the City has determined that suppression of disease will be enhanced by implementing the following health restrictions.

BE IT THEREFORE ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That the foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. That Chapter 73 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending language to Section 38, reflecting the amendment. Said Section 38 as so modified and amended, shall provide as follows:

38. PROTECTIVE FACE COVERINGS REQUIRED.

A. Required. All persons within the municipal boundary of the City of Decatur engaging in any activity outside of their residence, while other persons are present, shall wear protective face coverings, which face coverings shall completely cover their mouth and nose, and be reasonably designed and made to inhibit, filter or restrict the passing of a person's breath, sneeze, cough or other exhaling from one's nose and mouth when they must leave their home or report to work including but not limited to:

- (1) Shopping or working at retail businesses;
- (2) Picking up food from a drive through restaurant or food establishment or curbside pickup from a restaurant or food establishment;
- (3) Visiting a health care provider;
- (4) Traveling on public transportation, taxis or rideshares;
- (5) Interacting with customers, clients, patients, coworkers or any other person at a place of business or worship that is open to the general public;
- (6) Performing services for state and local government agencies, where close interactions with other people are unavoidable;
- (7) When feeling sick, coughing or sneezing or otherwise ill.

B. Exceptions. Protective face coverings shall not be required,

- (1) For children under two years of age;
- (2) When engaged in physical activity such as walking or running while maintaining social distancing from others of not less than six feet;
- (3) When alone or with members of the same household;
- (4) When eating or drinking, whether in public or private.

C. Duration. The restrictions herein shall be effective until repealed by the City Council.

D. Admission or Service Refusal. A business, store, office, venue, property owner, manager or operator shall monitor those persons entering and remaining in or on their property, business or office and shall refuse admission, service and allowance to remain in or on their property to any individual who fails to wear a face covering, which face covering shall completely cover their mouth and nose, and be reasonably designed and made to inhibit, filter or restrict the passing of a person's breath, sneeze, cough or other exhaling from one's nose and mouth.

Reasonable accommodations must be provided for those with a medical condition or disability that prevents the wearing of face coverings so long as doing so does not cause an undue hardship.

Section 3. That Chapter 73 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending Sections 39 and 40, so that Section 39 and 40 as so modified and amended, shall provide as follows:

39. PENALTY.

A. (1) Any person, firm or corporation who shall violate any of the provisions of Section 38(A) of this Chapter shall, upon conviction, be fined as set forth herein.

First Offense:	Twenty-Five Dollars (\$25.00)
Second Offense:	Fifty Dollars (\$50.00)
Third Offense:	One Hundred Dollars (\$100.00)
Fourth and Each Subsequent Offense:	Two Hundred Fifty Dollars (\$250.00)

Each day on which a violation occurs or continues shall be considered a separate offense.

(2) Any business, store, office, venue, property owner, manager or operator who shall violate any of the provisions of Section 38(D) of this Chapter shall, upon conviction, be fined as set forth herein.

First Offense:	Fifty Dollars (\$50.00)
Second Offense:	One Hundred Dollars (\$100.00)
Third Offense:	Two Hundred Dollars (\$200.00)
Fourth and Each Subsequent Offense:	Five Hundred Dollars (\$500.00)

Each day on which a violation occurs or continues shall be considered a separate offense.

B. Any person, firm or corporation who shall violate any of the provisions of this Chapter, except as set forth in Section 38, shall, upon conviction, be fined a minimum of Two Hundred Fifty Dollars (\$250.00) but not more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

40. OTHER REMEDIES. The fine provided for in Section 39 of this Chapter shall not be deemed to be the exclusive remedy for any act or thing constituting a nuisance under the provisions hereof, or under the common law, or to bar or prohibit the exercise of remedies, other than fine, applicable thereto.

Section 4. Nothing contained in this Ordinance shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of Decatur.

Section 5. Due to the urgent need to protect the public health, safety and welfare due to COVID-19, this Ordinance shall be in full force and effect immediately upon passage.

Section 6. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 7. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall 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.

Section 8. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED, AND RECORDED this 16th day of November, 2020.



JULIE MOORE WOLFE, MAYOR

ATTEST:



CITY CLERK

PUBLISHED this 17th day of November, 2020.



CITY CLERK

ADDITIONS AND DELETIONS
CHAPTER 73
OFFENSES
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<u>Third Offense:</u>	<u>One Hundred Dollars (\$100.00)</u>
<u>Fourth and Each Subsequent Offense:</u>	<u>Two Hundred Fifty Dollars (\$250.00)</u>

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Each day on which a violation occurs or continues shall be considered a separate offense.

B. Any person, firm or corporation who shall violate any of the provisions of this Chapter, except as set forth in Section 38, shall, upon conviction, be fined a minimum of Two Hundred Fifty Dollars (\$250.00) but not more than Five Hundred Dollars (\$500.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

40.39. OTHER REMEDIES. The fine provided for in Section 39 of this Chapter shall not be deemed to be the exclusive remedy for any act or thing constituting a nuisance under the provisions hereof, or under the common law, or to bar or prohibit the exercise of remedies, other than fine, applicable thereto.

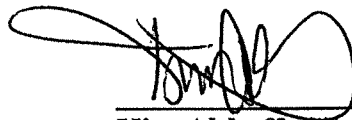
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PROTECT RESIDENTS**

ADOPTED: November 16, 2020

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF DECATUR, ILLINOIS, ON THE 17TH DAY OF
NOVEMBER, 2020.**

DATED THIS 17TH DAY OF NOVEMBER, 2020.



Kim Althoff, City Clerk