

ORDINANCE NO. 2894

AN ORDINANCE AMENDING CHAPTER 54 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE IV (OFFENSES AGAINST PUBLIC PEACE AND SAFETY), SECTION 54-131 (DISORDERLY CONDUCT; UNNECESSARY NOISES) OF THE VILLAGE CODE OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS

WHEREAS, the Corporate Authorities of the Village of New Lenox, Will County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Section 11-5-3 of the Illinois Municipal Code (65 ILCS 5/11-5-3), the Corporate Authorities of the Village have the authority to proscribe disorderly conduct within the corporate boundaries of the Village; and

WHEREAS, the Corporate Authorities of the Village previously exercised this authority and adopted Section 54-131 of the Village Code, which defines and proscribes disorderly conduct within the corporate boundaries of the Village; and

WHEREAS, the health, safety, and welfare of the Village and its citizens have been and continue to be under serious threat on account of Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and for which there is not, at present, any readily available vaccine or other effective treatment; and

WHEREAS, COVID-19 has placed and continues place an unprecedented burden on the residents, healthcare providers, and first responders of the Village; and

WHEREAS, the governor of Illinois, J.B. Pritzker (the "Governor"), has declared the need for significant COVID-19 precautions and mitigations; and

WHEREAS, the Governor, the Illinois Department of Public Health, and the Will County Health Department have all stated what precautions and mitigations they believe to be reasonable and necessary to control the spread of COVID-19; and

WHEREAS, it is of vital importance that all residents of, visitors to, and businesses located within the Village take additional steps to prevent the transmission and spread of COVID-19 within the Village; and

WHEREAS, the Corporate Authorities have determined that, at a minimum, (i) wearing a facial covering sufficient to cover both the nose and mouth while indoors in any building, structure, or location customarily held open to the public and (ii) maintaining a minimum distance of at least six feet between persons who are not of the same household are reasonable and necessary precautions that are effective to mitigate the spread of COVID-19; and

WHEREAS, it is the intent of the Corporate Authorities of the Village to hereby set out minimum standards for the protection of public health, safety, and welfare within the Village; however, the amendment affected by this ordinance is not intended and shall not be construed as limiting or avoiding the effect of any other laws, orders, and/or directives enacted or given by any competent authority, including but not limited to any and all executive orders issued by the Governor; and

WHEREAS, the amendment affected by this Ordinance is specifically intended as a measure in response to the ongoing COVID-19 pandemic and the Corporate Authorities of the Village do not intend that such amendment shall survive past the end of the pandemic; rather, it is the intent and expectation of the Corporate Authorities that this Ordinance will be repealed in the future at such a time as the Corporate Authorities determine that COVID-19 precautions are no longer necessary; and

WHEREAS, the Corporate Authorities of the Village have determined that any person or business that disregards or violates these precautions and mitigations poses a significant threat to public health, safety, and welfare; and

WHEREAS, the Corporate Authorities of the Village have determined that it is necessary and expedient to amend Section 54-131 of the Village Code to include the violation of prescribed COVID-19 precautions and mitigations within the meaning of “disorderly conduct,” as set forth in the Village Code; and

WHEREAS, the Corporate Authorities of the Village have determined that amending Section 54-131 of the Village Code, as set forth in this Ordinance, is in the best interests of the Village and its citizens; and

WHEREAS, the Village of New Lenox is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS HOME RULE AND STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. Section 54-131 of the Village Code is hereby amended to read as follows:

Sec. 54-131. - Disorderly conduct; unnecessary noises.

(a) Prohibited acts. A person commits disorderly conduct, which is hereby prohibited, when he knowingly:

* * *

(6) Enters and/or remains within any enclosed building, structure, or space that is open to the public and which is or may become occupied by other persons who are not part of his own household without wearing a facial covering that fully covers both his nose and mouth simultaneously. It shall not be a violation of this section for a person to remove his facial covering at a time when it would otherwise be required so long as:

- i. He is seated at a table or bar seating area; and
- ii. Said table or bar seating area is located at least six feet from any other table(s); and
- iii. The person is at least six feet from any person who is not part of his own household; and
- iv. The person is actively engaged in the activity of eating and/or drinking; and
- v. In the case of bar seating, no more than two persons may be seated within six feet of one another, even though they may be members of the same household.

(7) Permits any other person to enter and/or remain within any enclosed building, structure, or space that is within his possession and control and customarily held open to the public unless such other person is wearing a facial covering that fully covers both his nose and mouth simultaneously. It shall not be a violation of this section for a person to permit another to enter and remain upon his premises without an adequate facial covering if, and only if:

- i. The person(s) is/are seated at a table or bar seating area; and
- ii. Said table or bar seating area is located at least six feet from any other table(s); and
- iii. The person(s) is/are at least six feet from any other person who is not part of their own household; and
- iv. The person(s) is/are actively engaged in the activity of eating and/or drinking; and
- v. In the case of bar seating, no more than two persons may be seated within six feet of one another, even though they may be members of the same household.

SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. That this Ordinance shall be in full force and effect as of December 1, 2020.

PRESENTED to and **PASSED** by the Board of Trustees on a roll call vote on the 23rd day of November, 2020 with 5 Trustees voting aye, 1 Trustees voting nay, -0- Trustees abstaining, and with -0- Trustees absent, Mayor BALDERMANN voting aye : said vote being: SMITH aye, BOWDEN aye, MADSEN aye, BUTTERFIELD aye, FINNEGAN nay, and HOWARD aye.


LAURA ZILINSKAS, VILLAGE CLERK

APPROVED this 23rd day of November, 2020.


TIMOTHY BALDERMANN, VILLAGE PRESIDENT

ATTEST: 
LAURA ZILINSKAS, VILLAGE CLERK