



Interoffice Memo

Date: April 17, 2020

To: Committee of the Whole

From: David Niemeyer, Village Manager

cc: Pat Carr, Assistant Village Manager
Paul O'Grady, Village Attorney

Subject: Resolution Requiring Face Coverings

Attached is a resolution requiring residents and visitors to Tinley Park to wear face coverings outside of their place of residence due to the COVID-19 crisis, with some exceptions. The CDC has recommended this to prevent the spread of the virus. This requirement would be effective April 24, 2020 to give us time to notify businesses and residents.

Face Coverings would be required at all essential businesses, including employees and customers. This resolution would not apply to the following persons:

- Engaged in outdoor activity such as walking, running, biking or other solitary physical activity while at the same time practicing social or physical distancing of at least six feet from others;
- Riding alone in a personal vehicle;
- Who are alone or with household members in a separate single space;
- When doing so creates a greater health, safety or security risk to the individual or the public; and
- While drinking or eating.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

RESOLUTION

NO. 2020-R-037

**A RESOLUTION DECLARING AN EMERGENCY AFFECTING THE
PUBLIC HEALTH DUE TO THE OUTBREAK OF THE COVID-19 DISEASE
IN THE STATE OF ILLINOIS AND REQUIRING FACE COVERINGS TO
PRESERVE PUBLIC HEALTH AND PROTECT RESIDENTS**

**JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees**

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WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, pursuant to the authority vested in the office of the Village President by Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, and Section 31.012 of the Tinley Park Village Code, Jacob C. Vandenberg, President ("Mayor") of the Village of Tinley Park ("Village") did declare a Local State of Emergency and Disaster on March 20, 2020, which expired on April 7, 2020; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park ("Village"), have determined that it is in the best interests of said Village of Tinley Park to renew and amend the Mayor's declaration of Local State of Emergency and Disaster made on March 20, 2020; and

WHEREAS, Section 8-10-5 of the Illinois Municipal Code, 65 ILCS 5/8-10-5, provides that the Village Board may declare an emergency when the public health or safety is affected pursuant to a majority vote of its members; and

WHEREAS, this Declaration is due to the outbreak of the COVID-19 disease in the State of Illinois ("State"). State of Illinois Governor JB Pritzker issued a disaster declaration on March 9, 2020 due to the COVID-19 disease outbreak in the State and the World Health Organization (WHO) has declared the COVID-19 disease outbreak a worldwide global pandemic. Furthermore, Governor Pritzker enacted a "Shelter in Place" Order effective March 21, 2020 at 5:00 PM CST until April 7, 2020, which Governor Pritzker extended on April 1, 2020 by Executive Order 2020-18 through April 30, 2020; and

WHEREAS, the "Shelter in Place" Order lays out three main directives: (1) shelter in place except for essential activities; (2) non-essential business and operations must cease; and (3) all gatherings of more than ten (10) people are prohibited; and

WHEREAS, to further protect Illinois residents, the "Shelter in Place" Order permits individuals to leave their home only to perform Essential Activities, Essential Government Functions, or to operate Essential Businesses and Operations, as defined in Executive Order 2020-10; and

WHEREAS, pursuant to the directives outlined in the "Shelter in Place" Order, it is necessary to take measures to ensure that employees and visitors of Essential Businesses are able to carry out these functions effectively and safely, while maintaining social distancing of six (6) feet as recommended by the Centers for Disease Control and Prevention (the "CDC"); and

WHEREAS, most recently, on April 3, 2020, the CDC issued a new recommendation to help slow the spread of COVID-19 which advised individuals to wear cloth face coverings in public settings as an additional, voluntary public health measure; and

WHEREAS, the number of suspected COVID-19 cases in Illinois is increasing exponentially and across more locations in Illinois, indicating that drastic social distancing measures are needed in order to reduce the number of people who become sick at any given time and the possibility of exhausting health care resources; and

WHEREAS, the nature of the emergency is the spread of the COVID-19 disease in the Village and extraordinary measures must be taken to protect the public health, safety and welfare of the residents of the Village; and

WHEREAS, Section 97.1 "Spreading Contagion Prohibited" of the Tinley Park Village Code states that "it shall be unlawful for any person to spread willfully or carelessly, any contagious disease to so cause the spread of the same."

WHEREAS, it is necessary and appropriate to immediately take measures to protect the public's health in public spaces in response to COVID-19;

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interest of the Village that said Declaration be made by the Village; and

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS

SECTION 1: The preambles hereto are hereby made a part of, and operative provision of this Resolution as fully as if completely repeated at length herein.

SECTION 2: The official policy of the Village of Tinley Park is to direct and recommend all persons engaging in any activity outside of their place of residence while other people are present are required to wear face covering to include their nose and mouth made of any cloth or other material which is reasonably designed and made to inhibit, filter or restrict the breath, sneeze, cough or other exhaling from one's nose and mouth, including but not limited to a non-medical grade mask, cloth or plastic mask, scarf, bandana or handkerchief. This declaration shall not apply to persons:

- a. Engaged in outdoor activity such as walking, running, biking or other solitary physical activity while at the same time practicing social or physical distancing of at least six feet from others;
- b. Riding alone in a personal vehicle;
- c. Who are alone or with household members in a separate single space;
- d. When doing so creates a greater health, safety or security risk to the individual or the public; and

e. While drinking or eating.

SECTION 3: Effective April 24, 2020, all employees and visitors of any grocery store, pharmacy or drug store, convenience store, gas station, and all other essential businesses as defined in the Governor's Executive Order 2020-10 (collectively, the "Essential Businesses" and singularly, the "Essential Business") shall wear a face covering as recommended by the CDC, while on the premises.

SECTION 4: Essential Businesses and/or employers must provide, at their expense, such face coverings for all employees working in the establishment.

SECTION 5: All Essential Businesses are required to implement infection control practices, including but not limited to, regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal.

SECTION 6: All Essential Businesses are required to provide sanitization materials, such as hand sanitizer and sanitizing wipes to employees and visitors.

SECTION 7: All Essential Businesses are required to sanitize high-touch areas including restrooms, break rooms, equipment, and machinery.

SECTION 8: All Essential Businesses shall be required to enforce the 6-foot social distancing requirement.

SECTION 9: All Essential Businesses shall post notice, in a conspicuous place, the requirement for employees and visitors to wear a mask or cloth face covering while on the premises. Essential Businesses are required to enforce the Order with respect to its own employees. As for visitors on the premises, the notice shall make visitors aware that they are in violation of this order if they are not wearing a mask or cloth face covering.

SECTION 10: All Essential Businesses or operator may refuse admission or service to any individual who fails to wear a face covering 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.

SECTION 11: If a visitor of an Essential Business refuses to leave the premises or comply with the Order to wear a mask or cloth face covering, the Essential Business shall notify the Village's Police Department. Persons not following this declaration may be issued a warning by the Village of Tinley Park Police Department for violation of Section 97.1 of the Village Code and any other appropriate ordinance or state law. Persons not following this declaration who previously received a warning from the Village of Tinley Park Police Department may be issued a citation for violation of Section 97.1 or arrested at the discretion of the Chief of Police or his designee.

SECTION 12: Nothing in the policy stated in this declaration shall prevent employees or visitors from wearing a surgical-grade mask or other more-protective face covering if the individual already possesses such equipment, or if the Essential Business is otherwise required to provide such employee with more-protective equipment due to the nature of the work involved.

SECTION 13: This declaration does not supplant or diminish the absolute need for all residents, employees and workers in Tinley Park and all visitors to Tinley Park, to practice social and

physical distancing in all settings and with all ages. Social and Physical Distancing is still the first best and required practice to combat the COVID-19 Pandemic.

SECTION 14: The emergency declared herein shall be in effect until May 21st or the repeal of the Governor's disaster declaration issued on March 9, 2020 due to the COVID-19 disease outbreak, unless continued by order of the Village Board

SECTION 15: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED this 21st day of April, 2020, by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES: Brady, Brennan, Galante, Mueller

NAYS: Berg, Glotz

ABSENT: None

APPROVED this 21st day of April, 2020, by the President of the Village of Tinley Park.

ATTEST:



Village Clerk



Village President

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2020-R-037, **“A RESOLUTION DECLARING AN EMERGENCY AFFECTING THE PUBLIC HEALTH DUE TO THE OUTBREAK OF THE COVID-19 DISEASE IN THE STATE OF ILLINOIS AND REQUIRING FACE COVERINGS TO PRESERVE PUBLIC HEALTH AND PROTECT RESIDENTS ,”** which was adopted by the President and Board of Trustees of the Village of Tinley Park on April 21, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 21st day of April, 2020.



VILLAGE CLERK