

*Office of the Mayor
City of Macomb*



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Mayor*

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TEMPORARY ORDER OF MAYOR 2020-09
MAXIMUM CAPACITY, FACE COVERINGS AND SOCIAL
DISTANCING AT PARTIES AND OTHER GATHERINGS
Extends Order 2020-07 to October 9, 2020

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, under a declaration of an emergency, the Municipal Code of Macomb authorizes the mayor to protect and conserve the public health, safety and welfare by performing and exercising such powers and duties as are necessary to promote and secure the safety and protection of the community; and

WHEREAS, the Mayor of the City of Macomb issued Emergency Proclamation 2020-02 on April 16, 2020 declaring a Local State of Emergency; and

WHEREAS, Emergency Proclamation 2020-02 was extended by Resolution 2020-04 and Resolution 2020-17 and remains in effect until November 2, 2020, unless extended by Council; and

WHEREAS, the Mayor of the City of Macomb has such emergency powers as set forth in Section 2-468 of the City of Macomb Municipal Code, including exercising any power of the corporate authority of the City and exercising such other powers and duties as are necessary to promote and secure the safety and protection of the community, said powers including altering or suspending sections of the Municipal Code during such emergency; and

WHEREAS, the State of Illinois has faced the COVID-19 pandemic since March 2020 and that the pandemic has led to extraordinary illness and loss of life; and

WHEREAS, the McDonough County Health Department currently reports a total of 453 confirmed cases and 44 active cases as of September 21, 2020, an increase of 241 cases since September 1, 2020; and

WHEREAS, the failure to take appropriate action and measures to minimize the continued increase in cases places all members and visitors of our community at risk, increases the possibility of future economic shutdowns and increases mitigation requirements from the Governor of the State of Illinois which place the economic health of our community and available acute medical care at risk; and

WHEREAS, I, as Mayor of the City of Macomb, find it in the best interest of the City to place additional restrictions on the maximum capacity and social distancing at parties and other gatherings.

IT IS THEREFORE ORDERED that EFFECTIVE IMMEDIATELY, pursuant to the authority granted in Section 2-468, as follows:

A. Definitions. As used in this Order:

1. *Campus Area*: means the area as depicted in Exhibits 1 & 2 attached hereto being described as the following area: beginning at the corner of W. Jackson St. and S. Collins Ave, west to Robin Rd., North to W. Adams St., East to Wigwam Hollow Rd., North to the intersection of Wigwam Hollow Rd. and Indian Trail (to include R-4 properties on the West side of Wigwam Hollow Rd. and the North side of Pollock Dr.), South from the intersection of Wigwam Hollow Rd. and Indian Trail to W. University Dr., east to N. Western Ave., north to W. University Dr. (to include Thompson Hall), east to N. Randolph St., south to E. Carroll St., west to N. McArthur St., south to W. Jackson St., west to S. Collins Ave. (including all property North of the Burlington Northern Sante Fe railroad right of way), west to Robin Rd.
2. *Dwelling Structure*: means any private home or residence, or any building or structure containing one or more single dwelling units for one or more family unites, living independently of each other. (765 ILCS 70/1(c)) For purposes of this Order, this includes multi-family residential structures.
3. *Single Dwelling Unit*: means any apartment, efficient apartment, kitchenette apartment, sleeping room, dwelling room or any other portion of any building or structure that is occupied or resided in by a family unit. (765 ILCS 70/1(a))
4. *Family unit*: means any person maintaining a household, or 2 or more persons maintaining a common household. A person is deemed to be maintaining a household even though the room or rooms being occupied are only sleeping rooms. (765 ILCS 70/1(b))
5. *Multifamily residential structure*: means a structure with three or more single dwelling units. This shall include apartment buildings, fraternity/sorority houses and any other multi-unit structures.
6. *Host*: shall mean the owner, occupant, tenant or other person who, directly or indirectly, individually or jointly with others, has legal possession of or possessory control over the premises where the party or gathering occurs.
7. *Enforcement Officer*: means any member of the Macomb Police Department, Western Illinois University Office of Public Safety, Macomb Fire Department, Office of Community Development or any agent of the McDonough County Health Department.
8. *Face covering*: means a mask or cloth face covering that fully covers the nose and mouth of the wearer.

B. Applicability. This order applies to:

1. Campus Area: Any dwelling unit within the Campus Area or the common areas or parking lots related to such dwelling unit in the Campus Area.
2. Multifamily Residential Structures. Any dwelling unit in a multifamily dwelling structure anywhere in the City of Macomb or the common areas or parking areas related to such multifamily dwelling structure.

C. Parties and/or Gatherings. The following requirements apply to all parties or gatherings on private property:

1. Face coverings are required for each person who is over the age of two and able to medically tolerate a face covering when unable to maintain a six-foot social distance from others.
2. The maximum occupancy in the Dwelling Unit is 12 persons, including the host(s).
3. The host(s) must maintain a current and accurate count and immediately provide that count upon request of any Enforcement Officer.
4. The party or gathering must comply with any other guidance related to social distancing and/or the gathering of persons that is issued by the State of Illinois, or its agencies, or the McDonough County Health Department.
5. There may not be more than one party or gathering in any common area or parking lot related to a Dwelling unit or Multi-family residential structure.

D. Nuisance Parties. A party or gathering in violation of Section C will be deemed to be a “nuisance party” pursuant to Section 16-16.1 of the City of Macomb Municipal Code.

E. Duty and Liability.

1. The Host(s) has a duty to control his/her/their premises, to enforce and maintain the social distancing requirements and the face covering requirements contained in this Order and to prevent the party or gathering from being or becoming a nuisance party. It is a violation of this Order for any Host(s) to knowingly, recklessly or negligently allow the party or gathering to become a Nuisance Party.
2. Attendance or presence at a party or gathering that is or becomes a Nuisance Party is a violation of this Order. Individual failure to comply with the social distancing requirements contained in this Order, including face coverings, shall be a violation of this Order. Eating or drinking at a party or gathering that becomes a Nuisance Party is not a defense to the failure to wear a face covering.
3. A party or gathering that is or becomes a Nuisance Party shall immediately cease upon the order of any Law Enforcement Officer, and all person who do not reside on the premises shall leave the premises immediately. It is a


violation of this Order, and the City of Macomb Municipal Code, for any person to fail to abide by such an order to disperse.

F. Administration.

1. A violation of this Order is subject to a fine of not less than \$300.00 nor more than \$750.00 pursuant to Section 16-16.1 and 16-16.2 of the City of Macomb Municipal Code concerning Nuisance Party and Failure to Disperse. Each violation may be punished as a separate offense.
2. A violation of this Order shall be deemed, constitute and be punishable as a violation of Section 16-16.1 and/or 16-16.2 of the City of Macomb Municipal Code.
3. License and permit holders with the City of Macomb who are deemed in violation of this Order may have additional penalties imposed as permitted under the City of Macomb Municipal Code, including but not limited to additional fines, suspension, nonrenewal or revocation of such license or permit.
4. Businesses, day cares, religious houses of worship, residential medical or mental health facilities, elder care homes, homes for disabled individuals that are in compliance with regulations and guidance issued by the State of Illinois, its agencies, and any local rules or orders applicable to their operations shall not be deemed in violation of this Order.
5. The provisions of this Order are declared to be severable.
6. If any other State-issued emergency order, regulation or guideline is more restrictive than this Order, the more restrictive requirements will apply.

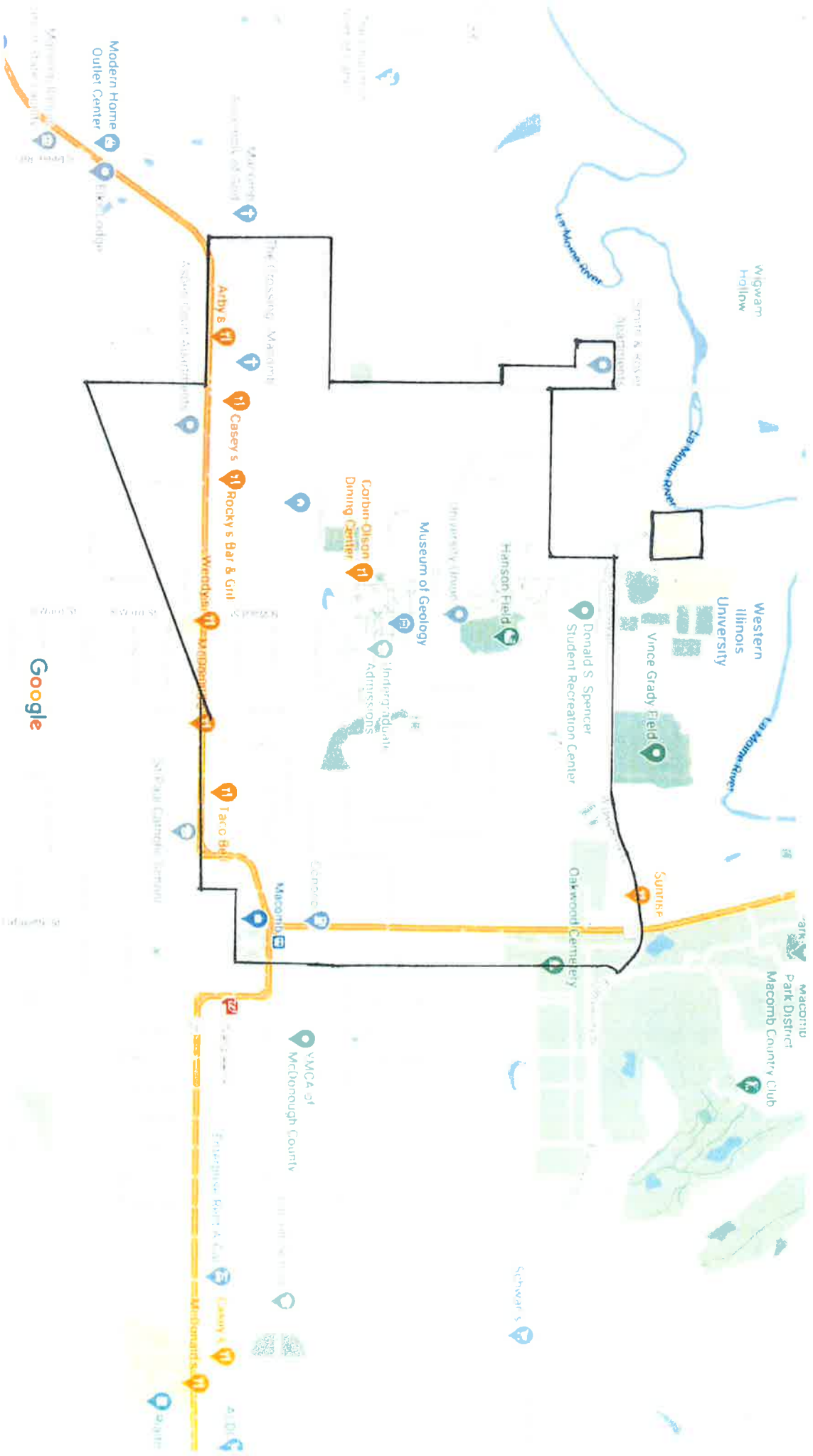
G. This Order shall terminate October 9, 2020 at 5:00 p.m., unless sooner terminated.

DATED: 09/24/2020



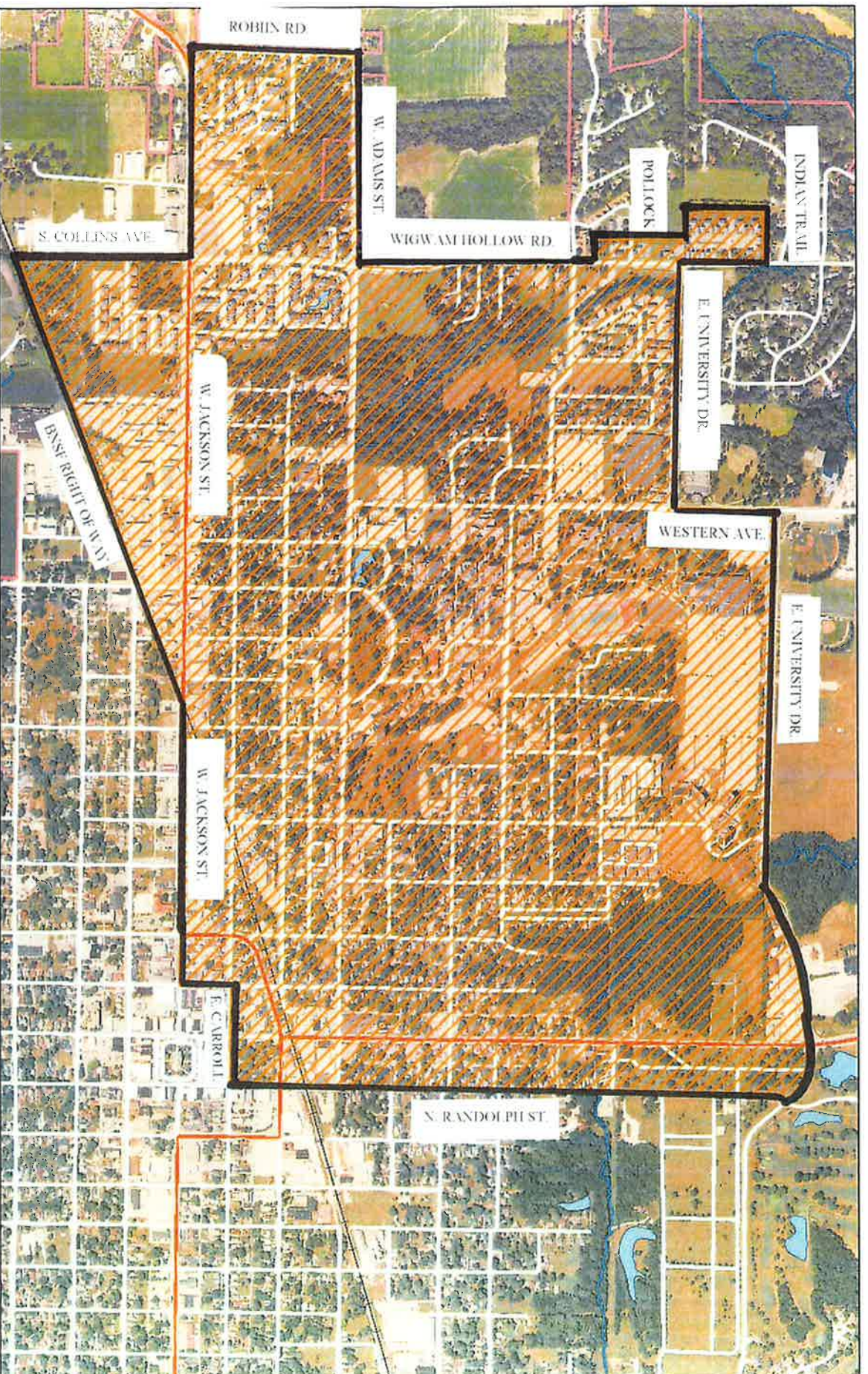
Michael J. Inman, Mayor, City of Macomb

EXHIBIT #1



CAMPUS AREA

EXHIBIT #2



September 4, 2020

drawGraphics poly

User drawn polygons

City Limits

Railroads

Lakes

Highways

Roads

Streams

