

AN ORDINANCE AMENDING CHAPTER 50 OF THE
REVISED MUNICIPAL CODE OF THE VILLAGE OF
NORRIDGE – 2002 “HEALTH AND SANITATION” BY ENACTING
CHAPTER 50 ARTICLE I, SECTION 3, REGARDING FACE
COVERINGS TO PRESERVE AND PROTECT RESIDENTS

An Ordinance Regulating Face Coverings to Protect Public Health

WHEREAS, the Village of Norridge (“Village”), as a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, may exercise any power and perform any function pertaining to its government and affairs, and is enacting this Ordinance pursuant to its home rule authority; and

WHEREAS, since early March 2020, Illinois has faced a pandemic caused by the novel coronavirus (“COVID-19”) that has caused extraordinary sickness and loss of life, infecting over 140,000 Illinois residents and growing, and taking the lives of thousands of residents; and,

WHEREAS, the Village has previously determined that the outbreak of novel coronavirus (COVID-19), a novel and severe acute respiratory illness that spreads rapidly through respiratory transmissions and that it continues to be without an effective treatment or vaccine, placing a burden on residents, healthcare providers, first responders, and governments and is a highly contagious disease, that jeopardizes the public health and safety of the residents of the Village; and

WHEREAS, the Governor of the State of Illinois has issued numerous disaster proclamations and executive orders regarding the COVID-19 pandemic and the ongoing need to protect the safety and health of all persons in Illinois including requiring the wearing of face coverings to prevent the airborne spread of the COVID-19 virus in many circumstances and situations and the State of Illinois continues to be under a declared state of emergency; and

WHEREAS, since the inception of the COVID-19 pandemic and Governor’s initial stay at home order for the entire state of Illinois, the Village President has issued numerous disaster proclamations and executive orders regarding the COVID-19 pandemic to protect the safety and health of all persons in the Village and the Village Board of Trustees has adopted a number of ordinances adopting the Village President’s orders designed to protect the health and safety of Village residents; and

WHEREAS, the Village continues to be under a declared state of emergency due to the COVID-19 pandemic; 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 which is one of the most important functions of the Village's government and affairs; 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 people who are asymptomatic can spread COVID-19; and

WHEREAS, on August 5, 2020 Dr. Ngozi Ezike, Director of IDPH, noting the increase in the number of new COVID-19 cases stated: "[I]f we don't take further steps to reduce the spread of the virus, our numbers will continue to go up and we will be right back where we were just a few months ago. Anyone who thinks that wearing a mask or keeping their distance doesn't help, you are just wrong. Both of those incredibly simple actions have been shown to slow the spread of the virus and decrease the number of cases"; and

WHEREAS, on August 7, 2020, the Governor issued a mask mandate for people over the age of 2 in most public settings including businesses, schools, preschools, services, facilities and organizations ("Facilities"), and provided for three-step process that give non-compliant businesses two chances to comply with the mask mandate by written notice, followed by an order for patrons to leave to bring the property into compliance. Such Facilities (excepting schools, preschools, and day care establishments) can be charged with a Class A misdemeanor, subject to a fine of \$75 to \$2,500 for failure to comply with the first two requirements (Executive Order 2020-38 and COVID-19 Executive Order No. 36); and

WHEREAS, the Governor's statewide mask mandate and associated enforcement provisions are codified in 44 Ill. Reg. Title 77, Public Health, Chapter I: Department of Public Health, Subchapter k: Communicable Disease Control and Immunizations, Part 690, Section 690.50 *Pandemic or Epidemic Respiratory Disease – Emergency Provisions*, eff. August 7, 2020 for a maximum of 150 days from that date ("Emergency Provisions") with enforcement procedures for Facilities and other specific enforcement procedures for preschools, day care and schools; and

WHEREAS, in order to protect the health, safety and welfare of the persons within the Village, the Village Board of Trustees has determined that suppression of disease will be enhanced by implementing the following health measures regarding face coverings.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NORRIDGE, COOK COUNTY, ILLINOIS, as follows:

Section 1.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2.

That Chapter 50, Article I of the Revised Municipal Code of the Village of Norridge – 2002 is be and hereby is amended by the enactment of Chapter 50, Article 1, Section 3, including the Emergency Provisions, as follows:

Chapter 50 - HEALTH AND SANITATION

ARTICLE I. - IN GENERAL

[. . .]

Sec. 50-3. - Protective face coverings required.

A. *Protective Face Coverings Required.* All persons within the municipal boundary of the Village engaging in any activity outside of their residence, while other people are present, shall wear protective face coverings when they must leave their home or report to work.

Examples of when face coverings are required include, but are not limited to:

- Shopping or working at retail businesses, like grocery stores or pharmacies;
- Picking up food from a drive-through or curbside pickup;
- Visiting a health care provider;
- Traveling on public transportation, taxis or rideshare;
- Interacting with customers, clients, or coworkers at a place of business or worship that is open to the general public;
- Performing services for state and local government agencies, where close interactions with other people are unavoidable; and
- When feeling sick, coughing, or sneezing or otherwise ill.

B. *Exceptions.*

1. Protective face coverings are not required for children under two years of age, or for those with medical issues that would be compromised by wearing a face covering.

2. Protective face coverings are not required when engaged in physical activity such as walking or running while maintaining social distancing from others of not less than six feet.
3. Protective face coverings are not required when alone or with members of the same household.
4. Protective face coverings are not required when eating or drinking, whether in public or private.

C. *Duration.* The restrictions herein shall be effective until otherwise amended or repealed.

D. *Notice.* Upon passage of this ordinance, the Village clerk shall publish the ordinance in pamphlet form, post on the Village's website, notify the news media situated within the Village, and shall cause at least four copies of the ordinance to be posted at prominent places within the Village.

E. *Violations; Refusal of Service.*

1. Any person violating the provisions of this ordinance shall be guilty of an offense against the Village and shall be punished as provided by Chapter 1, Section 1-8 of the Revised Municipal Code of the Village of Norridge - 2002.
2. Any business which fails to comply with the Governor's statewide mandate requiring face coverings set forth in Executive Order 2020-38 (Covid-19 Executive Order No. 36), the Governor's Rule dated August 7, 2020 as set forth in 44 Ill. Reg. Title 77, Public Health, Chapter I: Department of Public Health, Subchapter k: Communicable Disease Control and Immunizations, Part 690, Section 690.50, may be charged with a Class A misdemeanor and subject to a fine of \$75 to \$2,500 for failure to comply with the Governor's Rule: 1) after a failure to voluntarily comply after a written warning and 2) a further to comply after an order that patrons leave their property to bring the business into compliance with public health guidance and reduce risks (44 Ill. Reg. Title 77, Public Health, Chapter I: Department of Public Health, Subchapter k: Communicable Disease Control and Immunizations, Part 690, Section 690.50 Pandemic or Epidemic Respiratory Disease – Emergency Provisions, eff. August 7, 2020 for a maximum of 150 days from that date).
3. A business owner 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.

F. *Effect on other ordinances.* Nothing contained in this section shall be construed to impair the powers contained in the Revised Municipal Code of the Village of Norridge - 2002, 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 the Village.

G. *Effective date.* Due to the urgent need to protect the public health and safety due to COVID-19, this ordinance shall be in full force and effect immediately upon passage.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Section 5.

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance or their application if they can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision is severable, unless otherwise provided by this Ordinance.

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