

CHAPTER 35: CIVIL EMERGENCIES

Section

35.01 Curfews and regulations of businesses during civil emergencies

35.99 Penalty

§ 35.01 CURFEWS AND REGULATIONS OF BUSINESSES DURING CIVIL EMERGENCIES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL EMERGENCY.

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together with authority of law; or

(2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

CURFEW. A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) (1) Whenever an emergency, as defined by division (A) of this section, exists the Village President shall proclaim its existence by means of a written declaration. The declaration shall be signed by him/her, under oath and contain the following:

(a) A statement to the effect that a civil emergency, as defined in this section, does exist.

(b) Set forth the facts supporting such findings.

(c) A declaration of the nature of the emergency and his/her reasons for his/her action.

(d) A declaration that an emergency does exist. The statement shall be promptly filed with the Village Clerk.

(2) After the proclaiming of a civil emergency by the Village President, he/she may order a general curfew applicable to such geographical areas of the village as a whole, as he/she deems advisable, and applicable during such hours of the day or night as he/she deems necessary in the interest of the public safety and welfare.

(C) After the proclamation of a civil emergency, the Village President of the village may also, in the interest of public safety and welfare, make any or all of the following orders:

(1) Order the closing of all liquor stores and establishments, including taverns and private clubs or portions where the consumption of intoxicating liquor and beer is permitted.

(2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(3) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(5) Issue such other orders as are imminently necessary for the protection of life and property.

(D) The proclamation authorized shall be effective for a period of 48 hours unless sooner terminated by the Village President but, in no event, shall continue later than the adjournment of the first meeting of the President and Board of Trustees after the state of emergency is declared. The Village President shall have the power to reproclaim the existence of a civil emergency at the end of each 48-hour period during the time said civil emergency exists.

(E) Upon issuance of the proclamation authorized, the Chief of Police shall notify the news media of the village and shall cause three copies of the proclamation, declaring the existence of the emergency, to be posted in three prominent places.

(F) If any part of this section shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this section, which shall continue in full force and effect notwithstanding such holding.

(G) Nothing contained in this section shall be construed to impair the powers contained in the code of the village giving powers to the Police and Fire Departments, but shall be construed together with existing sections now in effect for the safety and welfare of the citizens of the village. ('79 Code, § 31.11A) (Ord. 1379, passed 2-21-89)

§ 35.99 PENALTY.

Any person violating the provisions of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the village and shall be punishable by a fine not to exceed \$750. ('79 Code, § 31.11A) (Ord. 1379, passed 2-21-89)

