

**ORDINANCE NO. O-31-2021**

**AN ORDINANCE EXTENDING TEMPORARY EXECUTIVE POWERS  
PURSUANT TO SECTION 3.16 OF ELMHURST MUNICIPAL CODE  
AND PURSUANT TO 65 ILCS 5/11-1-6**

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**WHEREAS**, during the Special Emergency Meeting of the Elmhurst City Council on March 16, 2020, the City Council voted to adopt Ordinance No. O-15-2020, entitled “An Ordinance Establishing Temporary Executive Powers Pursuant To Section 3.16 Of The Elmhurst Municipal Code And Pursuant To 65 ILCS 5/11-1-6”; and

**WHEREAS**, on March 20, 2020, the Governor of the State of Illinois issued Executive Order 2020-10 ordering all individuals, with certain exceptions, to shelter in place through April 7, 2020; and

**WHEREAS**, on March 21, 2020, the Mayor of the City of Elmhurst issued a “Proclamation Declaring an Emergency in the City of Elmhurst Due to the Coronavirus (COVID-19) Outbreak”; and

**WHEREAS**, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18, extending the shelter in place requirements contained in Executive Order 2020-10 through April 30, 2020; and

**WHEREAS**, on April 6, 2020, the City Council adopted Ordinance No. O-17-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on April 20, 2020, the City Council adopted Ordinance No. O-18-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32, extending the shelter in place requirements contained in Executive Order 2020-10 through May 29, 2020; and

**WHEREAS**, on May 4, 2020, the City Council adopted Ordinance No. O-19-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on May 18, 2020, the City Council adopted Ordinance No. O-20-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on May 29, 2020, the Governor of the State of Illinois issued Executive Order 2020-38, superseding the requirements contained in Executive Order 2020-32, providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through June 27, 2020; and

**WHEREAS**, on June 1, 2020, the City Council adopted Ordinance No. O-21-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on June 15, 2020, the City Council adopted Ordinance No. O-27-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on June 26, 2020, the Governor of the State of Illinois issued Executive Order 2020-43, superseding the requirements contained in Executive Order 2020-38, providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through July 26, 2020; and

**WHEREAS**, on July 6, 2020, the City Council adopted Ordinance No. O-33-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on July 20, 2020, the City Council adopted Ordinance No. O-34-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on July 24, 2020, the Governor of the State of Illinois issued Executive Order 2020-48, reissuing certain Executive Orders, including, but, not limited to, Executive Order No. 2020-43, providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through August 22, 2020; and

**WHEREAS**, on August 3, 2020, the City Council adopted Ordinance No. O-35-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on August 17, 2020, the City Council adopted Ordinance No. O-37-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on August 21, 2020, the Governor of the State of Illinois issued Executive Order 2020-52, reissuing certain Executive Orders, including, but, not limited to, Executive Order No. 2020-48, providing public health requirements for individuals and businesses,

including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through September 19, 2020; and

**WHEREAS**, on September 8, 2020, the City Council adopted Ordinance No. O-38-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on September 18, 2020, the Governor of the State of Illinois issued Executive Order 2020-55, reissuing certain Executive Orders, including, but, not limited to, providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through October 17, 2020; and

**WHEREAS**, on September 21, 2020, the City Council adopted Ordinance No. O-41-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on October 5, 2020, the City Council adopted Ordinance No. O-43-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on October 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-59, reissuing certain Executive Orders, including, but, not limited to, providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through November 14, 2020; and

**WHEREAS**, on October 19, 2020, the City Council adopted Ordinance No. O-46-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on October 21, 2020, the Governor of the State of Illinois issued Executive Order 2020-61, supplementing Executive Order 2020-43, providing public health restrictions and mitigations for Regions 7 and 8, which includes DuPage County, for individuals and businesses, including closing and suspending all indoor on-premises dining and consumption occurring at restaurants and bars, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on November 2, 2020, the City Council adopted Ordinance No. O-49-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on November 10, 2020, the Governor of the State of Illinois issued Executive Order 2020-70, again supplementing Executive Order 2020-43, providing public health

restrictions and mitigations for Regions 5, 7 and 8, which includes DuPage County, for individuals and businesses, including closing and suspending all indoor on-premises dining and consumption occurring at restaurants and bars, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on November 13, 2020, the Governor of the State of Illinois issued Executive Order 2020-71, reissuing certain Executive Orders, including, but, not limited to Executive Orders 2020-43, 2020-61 and 2020-70, providing public health requirements and mitigations for all Regions in the State which include DuPage County, for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces, through December 12, 2020; and

**WHEREAS**, on November 16, 2020, the City Council adopted Ordinance No. O-52-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on November 18, 2020, the Governor of the State of Illinois issued Executive Order 2020-73, superseding Executive Order 2020-43, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, including closing and suspending all indoor on-premises dining and consumption occurring at restaurants and bars, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on December 7, 2020, the City Council adopted Ordinance No. O-68A-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on December 11, 2020, the Governor of the State of Illinois issued Executive Order 2020-74, reissuing certain Executive Orders, including, but, not limited to Executive Order 2020-73, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, including closing and suspending all indoor on-premises dining and consumption occurring at restaurants and bars, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on December 21, 2020, the City Council adopted Ordinance No. O-68B-2020, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on January 4, 2021, the City Council adopted Ordinance No. O-01-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on January 8, 2021, the Governor of the State of Illinois issued Executive Order 2021-01, reissuing certain Executive Orders, including, but, not limited to Executive Order 2020-73, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, including closing and suspending all indoor on-premises dining and consumption occurring at restaurants and bars, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on January 19, 2021, the City Council adopted Ordinance No. O-03-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on January 19, 2021, the Governor of the State of Illinois issued Executive Order 2021-03, updating the Mitigation Tiers and Phases and providing metrics for regional movement between mitigation tiers and phases that will be tracked, reported and updated by the Illinois Department of Public Health; and

**WHEREAS**, on January 27, 2021, the Illinois Department of Public Health announced that the DuPage County region (Region 8) was moving to Restore Illinois Phase 4, Tier I Resurgence Mitigation, allowing certain activities, including limited indoor dining, to proceed; and

**WHEREAS**, on February 1, 2021, the City Council adopted Ordinance No. O-04-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on February 3, 2020, the Illinois Department of Public Health announced that the DuPage County region (Region 8) was moving to Restore Illinois Phase 4 Mitigation, allowing certain activities, including limited indoor dining, to proceed; and

**WHEREAS**, on February 6, 2021, the Governor of the State of Illinois issued Executive Order 2021-04, reissuing certain Executive Orders, including, but, not limited to Executive Order 2021-03, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on February 16, 2021, the City Council adopted Ordinance No. O-08-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on March 1, 2021, the City Council adopted Ordinance No. O-13-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on March 5, 2021, the Governor of the State of Illinois issued Executive Order 2021-05, reissuing certain Executive Orders, including, but, not limited to Executive Order 2021-03, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on March 15, 2021, the City Council adopted Ordinance No. O-14-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on April 2, 2021, the Governor of the State of Illinois issued Executive Order 2021-06, reissuing certain Executive Orders, including, but, not limited to Executive Order 2021-03, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on April 5, 2021, the City Council adopted Ordinance No. O-17-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on April 19, 2021, the City Council adopted Ordinance No. O-21-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on April 30, 2021, the Governor of the State of Illinois issued Executive Order 2021-09, reissuing certain Executive Orders, including, but, not limited to Executive Order 2021-03, providing public health restrictions and mitigations for all regions of the State, encouraging people to stay home except for essential worker individuals and essential businesses, as well as providing public health requirements for individuals and businesses, including social distancing, wearing of face masks, and limiting the number of persons to assemble in confined spaces; and

**WHEREAS**, on May 3, 2021, the City Council adopted Ordinance No. O-25-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on May 17, 2021, the City Council adopted Ordinance No. O-29-2021, entitled “An Ordinance Extending Temporary Executive Powers Pursuant to Section 3.16 of the Elmhurst Municipal Code and Pursuant to 65 ILCS 5/11-1-6”; and

**WHEREAS**, on May 17, 2021, the Governor of the State of Illinois issued Executive Order 2021-10 providing a “Bridge Phase Order” of public health requirements for individuals and businesses and persons not vaccinated, including social distancing, wearing of face masks, and limiting number of persons to assemble in confined spaces, as well as certain exemptions for religious, emergency and governmental functions; and

**WHEREAS**, on May 28, 2021, the Governor of the State of Illinois issued Executive Order 2021-11, reissuing certain Executive Orders, including, but, not limited to Executive Order 2021-03 and 2021-10, providing public health requirements for individuals and businesses and persons not vaccinated, including social distancing, wearing of face masks, and limiting number of persons to assemble in confined spaces, as well as certain exemptions for religious, emergency and governmental functions; and

**WHEREAS**, the City of Elmhurst continues to be subject to the public health requirements for individuals and businesses of the Governor’s Executive Order 2021-09, and the Mayor believes it is reasonable and necessary for the temporary executive powers allowed by City Ordinance No. O-15-2020, extended by City Ordinance No. O-17-2020, extended by City Ordinance No. O-18-2020, extended by City Ordinance No. O-19-2020, extended by the City Ordinance No. O-20-2020, extended by City Ordinance No. O-21-2020, extended by City Ordinance No. O-27-2020, extended by City Ordinance No. O-33-2020, extended by City Ordinance No. O-34-2020, extended by City Ordinance No. O-35-2020, extended by City Ordinance No. O-37-2020, extended by City Ordinance No. O-38-2020, extended by City Ordinance No. O-41-2020, extended by City Ordinance No. O-43-2020, extended by City Ordinance No. O-46-2020, extended by City Ordinance No. O-49-2020, extended by City Ordinance No. O-52-2020, extended by City Ordinance No. O-68A-2020, extended by City Ordinance No. O-68B-2020, extended by City Ordinance No. O-01-2021, extended by City Ordinance No. O-03-2021, extended by City Ordinance No. O-04-2021, extended by City Ordinance No. O-08-2021, extended by Ordinance No. O-13-2021, extended by Ordinance No. O-14-2021, extended by Ordinance No. O-17-2021, extended by Ordinance No. O-21-2021, extended by Ordinance No. O-25-2021, and extended by Ordinance No. O-29-2021, be extended for another fourteen (14) days or until the adjournment of the next regularly scheduled City of Elmhurst City Council meeting.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

**Section 1.** The City of Elmhurst continues to be subject to the public health requirements for individuals and businesses of the Governor’s Executive Order 2021-09, and the Mayor believes it is reasonable and necessary for the temporary executive powers allowed by City Ordinance No. O-15-2020, extended by City Ordinance No. O-17-2020, extended by City Ordinance No. O-18-2020, extended by City Ordinance No. O-19-2020, extended by City Ordinance No. O-20-2020, extended by City Ordinance No. O-21-2020, extended by City Ordinance No. O-27-2020, extended by City Ordinance No. O-33-2020, extended by City Ordinance No. O-34-2020, extended by City Ordinance No. O-35-2020, extended by City

Ordinance No. O-37-2020, extended by City Ordinance No. O-38-2020, extended by City Ordinance No. O-41-2020, extended by City Ordinance No. O-43-2020, extended by City Ordinance No. O-46-2020, extended by City Ordinance No. O-49-2020, extended by City Ordinance No. O-52-2020, extended by City Ordinance No. O-68A-2020, extended by City Ordinance No. O-68B-2020, extended by City Ordinance No. O-01-2021, extended by City Ordinance No. O-03-2021, extended by City Ordinance No. O-04-2021, extended by City Ordinance No. O-08-2021, extended by Ordinance No. O-13-2021, extended by City Ordinance No. O-14-2021, extended by Ordinance No. O-17-2021, extended by Ordinance No. O-21-2021, extended by Ordinance No. O-25-2021, and extended by Ordinance No. O-29-2021 be extended for another fourteen (14) days or until the adjournment of the next regularly scheduled City of Elmhurst City Council meeting.

**Section 2.** The officials, officers and employees of the City are hereby authorized to take such further actions as are necessary to carry out the intent and purpose of this Ordinance.

**Section 3.** This Ordinance shall be in full force and effect upon and after its passage, approval and publication in accordance with law.

ADOPTED this \_\_\_\_\_ day of June, 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

APPROVED by me this \_\_\_\_\_ day of June, 2021.

\_\_\_\_\_  
Scott M. Levin, Mayor of the City of Elmhurst,  
DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,  
this \_\_\_\_\_ day of June, 2021.

\_\_\_\_\_  
Jackie Haddad-Tamer, City Clerk of the City of  
Elmhurst, DuPage and Cook Counties, Illinois



## **COUNCIL ACTION SUMMARY**

**SUBJECT:** Ordinance – Extending Temporary Executive Power Pursuant to Section 3.16 of Elmhurst Municipal Code and 65 ILCS 5/11-1-6.

**ORIGINATOR:** City Attorney

**DESCRIPTION OF SUBJECT MATTER:** This ordinance extends the temporary executive power provided by City Ordinance No. O-15-2020 adopted by the City Council on March 16, 2020, and extended by City Ordinance No. O-17-2020 adopted by the City Council on April 6, 2020, and by City Ordinance No. O-18-2020 adopted by the City Council on April 20, 2020, and by City Ordinance No. O-19-2020 adopted by the City Council on May 4, 2020, and by City Ordinance No. O-20-2020 adopted by the City Council on May 18, 2020, and by City Ordinance No. O-21-2020 adopted by the City Council on June 1, 2020, and by City Ordinance No. O-27-2020 adopted by the City Council on June 15, 2020, and by City Ordinance No. O-33-2020 adopted by the City Council on July 6, 2020, and by City Ordinance No. O-34-2020 adopted by the City Council on July 20, 2020, and by City Ordinance No. O-35-2020 adopted by the City Council on August 3, 2020, and by City Ordinance No. O-37-2020 adopted by the City Council on August 17, 2020, and by City Ordinance No. O-38-2020 adopted by the City Council on September 8, 2020, and by City Ordinance No. O-41-2020 adopted by the City Council on September 21, 2020, and by City Ordinance No. O-43-2020 adopted by the City Council on October 5, 2020, and by City Ordinance No. O-46-2020 adopted by the City Council on October 19, 2020, and by City Ordinance No. O-49-2020 adopted by the City Council on November 2, 2020, and by City Ordinance No. O-52-2020 adopted on November 16, 2020, and by City Ordinance No. O-68A-2020 adopted by the City Council on December 7, 2020, and by City Ordinance No. O-68B-2020 adopted by the City Council on December 21, 2020, and by City Ordinance No. O-01-2021 adopted by the City Council on January 4, 2021, and by City Ordinance No. O-03-2021 adopted by the City Council on January 19, 2021, and by City Ordinance No. O-04-2021 adopted by the City Council on February 1, 2021, and by City Ordinance No. O-08-2021 adopted by the City Council on February 16, 2021, and by City Ordinance No. O-13-2021 adopted by the City Council on March 1, 2021, and by City Ordinance No. O-14-2021 adopted by the City Council on March 15, 2021, and by City Ordinance No. O-17-2021 adopted by the City Council on April 5, 2021, and by City Ordinance No. O-21-2021 adopted by the City Council on April 19, 2021, by City Ordinance No. O-25-2021 adopted by the City Council on May 3, 2021, and by City Ordinance No. O-29-2021 adopted by the City Council on May 17, 2021, in response to the coronavirus (COVID-19) outbreak. This extension is for fourteen (14) days or until the adjournment of the next scheduled City Council meeting.