



SPECIAL COMMITTEE OF THE WHOLE
Monday, November 23, 2020
at 7pm

City Hall Council Chamber
109 James Street
Geneva, IL 60134

Visitors are welcome to all City meetings; however, pursuant to Governor Pritzker's Executive Order 2020-71, limiting gatherings to the lesser 10 persons or 25% room occupancy and a requirement to wear a face covering in public places, physical attendance at public meetings may be limited or restricted. Meetings will be livestreamed for the public to provide the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time.

Please visit the City [website](#) for details on how to watch the meeting live.

Individuals wishing to provide public comment may do so in advance (recommended) by sending an email to publiccomment@geneva.il.us or during the meeting by accessing the meeting via a virtual platform:

<https://register.gotowebinar.com/register/2185408414177220367>

For more information please see the [“Notice Regarding Meeting and Public Comment Rule Modification Due to COVID-19”](#).

AGENDA

- 1. Call to Order**
- 2. Consider Draft Ordinance Amending Title 5 (Health and Sanitation) of the Geneva City Code**
- 3. New Business/Public Comment**
- 4. Adjournment**



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Consider Ordinance Amending Title 5 (Health and Sanitation) of the Geneva City Code by adding Chapter 4 (Public Health).		
Presenter & Title:	Stephanie K. Dawkins, City Administrator Eric Passarelli, Chief of Police		
Date:	November 23, 2020		
Please Check Appropriate Box:			
<input type="checkbox"/>	Committee of the Whole Meeting	<input checked="" type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EMS-III			
Estimated Cost: \$N/A	Budgeted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
Executive Summary:			
<p>The draft ordinance presented for the Committee of the Whole's consideration provides the City a tool with which to enforce the Governor's Executive Orders issued in furtherance of the public health, safety, and welfare.</p> <p>If adopted, violations of any lawfully issued Executive Order could be declared a public nuisance. Any person accused of a violation may settle and compromise the claim of violation by paying a fine:</p> <ul style="list-style-type: none"> • First Offense - \$100 • Second Offense - \$250 • Third and subsequent Offenses - \$500 <p>If the Committee of the Whole desires, the ordinance (either in current form or an amended form) could proceed to the December 7, 2020 City Council meeting.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Draft Ordinance 			
Voting Requirements:			
<p><i>This motion requires 6 affirmative votes for passage.</i></p> <p><i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i></p>			
Recommendation / Suggested Action: <i>(how the item should be listed on agenda)</i>			
Consider Ordinance Amending Title 5 (Health and Sanitation) of the Geneva City Code by adding Chapter 4 (Public Health).			

ORDINANCE NO. 2020-XX

**AN ORDINANCE AMENDING TITLE 5 (HEALTH AND SANITATION) BY ADDING
CHAPTER 4 (PUBLIC HEALTH) OF THE GENEVA CITY CODE**

WHEREAS, 65 ILCS 5/1-2-1, 11-20-5 of the Illinois Municipal Code grants to a municipality the power to enact any ordinance it deems necessary for the promotion of health or the suppression of diseases; and

WHEREAS, 65 ILCS 5/11-60-2 of the Illinois Municipal Code provides in part that a municipality may “define, prevent, or abate nuisances”; and

WHEREAS, 65 ILCS 5/11-1-1 of the Illinois Municipal Code provides in part that a municipality may “pass and enforce all necessary police ordinances”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 5 (Health and Sanitation) of the Geneva City Code be and the same hereby amended by adding Chapter 4 (Public Health) as follows, *instanter*:

CHAPTER 4 – PUBLIC HEALTH

5-4-1: -Nuisance- Public Health:

Executive Orders properly issued in furtherance of the public health, safety, and welfare lawfully declared by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305 (the “Act”), shall be observed and obeyed by the citizens of the City of Geneva. Violations of any lawfully issued Executive Orders are hereby declared a public nuisance.

5-4-2: -Violation of an Executive Order:

It shall be unlawful for any person, partnership, joint adventure, association, society, club, trustee or corporation or any officer, agent, employee, factor or any kind of personal representative to violate any Executive Order of the Governor of the State of Illinois pursuant to the Governor’s powers under Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Act.

5-4-3: -Settlement of Violations:

Any person accused of a violation of this chapter may settle and compromise the claim of violation by paying to the city, within ten days of the time such alleged violation or offense was committed, the sum of one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for each subsequent violation or offense. Payment of such claim or claims must be made at the police station of the city, or in the fine/claim deposit boxes located upon the streets of the city. The funds received

from such compromised claims will be promptly turned over to the city finance division to be credited to the general corporate fund. In the event such claim or claims are not paid within ten days of the time of the alleged offense, a notice to appear may be issued.

SECTION 2: That Title 5 of the Geneva City Code as heretofore and herein above amended shall otherwise remain in full force and effect.

SECTION 3: This Ordinance shall take effect immediately upon its passage due to the immediate urgency of implementing the Illinois Governor’s Emergency Orders issued in response to the COVID-19 public health emergency.

PASSED by the City Council of the City of Geneva, Kane County, Illinois this ____ day of _____, 2020.

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

