



Office of the Mayor

mayor.cunningham@waukeganil.gov
Office: (847) 599-2510

April 21, 2020

Waukegan Emergency Order
2020-EO-16

RECEIVED

APR 22 2020

**WAUKEGAN CITY CLERK
JANET E. KILKELLY**

**CITY OF WAUKEGAN, ILLINOIS
MAYORAL EMERGENCY ORDER REQUIRING THE
USE OF FACE COVERINGS**

WHEREAS, On March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation with respect to the ongoing spread of COVID-19; and

WHEREAS, On March 11, the World Health Organization categorized this outbreak of COVID-19 as a pandemic; and

WHEREAS, pursuant to the Gubernatorial Disaster Proclamation, I, Samuel D. Cunningham, Jr., Mayor of the City of Waukegan, issued a Mayoral Declaration of Emergency relating to this outbreak of COVID-19 on March 14, 2020, which declaration was subsequently ratified by an Ordinance adopted by the City Council of Waukegan on March 16, 2020, and extended by City Council Ordinance on April 9, 2020; and

WHEREAS, pursuant to these emergency declarations, the Mayor has been granted full emergency authority provided by law, including, but not limited to, those powers designed in 65 ILCS 5/11-1-6, and the Illinois Emergency Management Act 20 ILCS 3305; and

WHEREAS, it is necessary and appropriate for the City of Waukegan to immediately take all appropriate, reasonable and necessary measures available to it to protect the public's health in response to the COVID-19 outbreak; and

WHEREAS, on March 20, 2020, the Illinois Governor issued Executive Order 2020-10, commonly referred to as the "stay-at-home order," which included Section 1.3 banning all gatherings of ten (10) persons or more; and

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and droplets can also be generated by talking, laughing, or exhaling; and

WHEREAS, the Center for Disease Control ("CDC") has stated that people experiencing no symptoms can spread COVID-19 more widely than previously thought, and that people are the most contagious before they start showing symptoms; and



WHEREAS, on April 3, 2020, the CDC issued a recommendation for all individuals to wear cloth face coverings in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, on April 10, 2020, the U.S. Surgeon General recommended that individuals wear face coverings because he concluded that there is a significant amount of asymptomatic spread of COVID-19; and

WHEREAS, the Director of the National Institute of Allergy and Infectious Diseases has recommended that individuals wear facial coverings to prevent individuals from infecting others.

THEREFORE, in further exercise of the Emergency Authority granted to me, I, Samuel D. Cunningham, Jr., Mayor of the City of Waukegan DO HEREBY ORDER as follows:

Section 1.

A. Face Covering Required. Except as provided in Subsection C of this Emergency Order, all persons over the age of two are required to wear face covering to include their nose and mouth made of cloth or other material that is reasonably designed and made to inhibit, filter, or restrict the breath, sneeze, cough, or other exhaling from one's nose and mouth (as further provided and described in Subsection D of this Emergency Order) while engaging in the following activities:

1. Working in or patronizing Essential Businesses and Operations (as defined in Governor Pritzker's Stay at Home Order) that are open to the public or when employees have contact with the public, which businesses include, without limitation, grocery stores, restaurants, hardware and supply stores, financial institutions, laundry services, essential government functions, construction sites, automotive repair shops, landscaping activities, and any home or curbside delivery carriers;
2. Engaging in essential activities such as shopping for necessary supplies and services, seeking medical supplies or medication, visiting a health care professional; or
3. Riding in public transportation, taxis, or ride share vehicles.



B. Refusal of Admission or Service. A business owner or operator may refuse admission or service to any individual who fails to wear a face covering as required by this Emergency Order.

C. Exceptions. Subsection A of this Emergency Order does not apply in any of the following circumstances:

1. When a person is engaged in outdoor activity and permissible outdoor physical activity, as defined in Governor Pritzker's Stay at Home Order (such as walking, hiking, running, or biking), while at the same time practicing social distancing of at least six feet from persons who are not members of the same household or residence; provided, however, that in the event that such social distancing cannot be achieved, then the requirements of Subsection A shall remain in effect. For the purposes of this Section C, "members of the same household or residence" shall mean a group of people, whether related or unrelated, who occupy the same dwelling unit on a full-time basis and utilize common cooking, eating, and sanitation facilities;
2. When riding in a personal vehicle;
3. When a person is alone or with members of the same household or residence in a private space that is not open to the general public; or
4. When doing so poses a greater health, safety, or security risk to the person or to the public.

D. Types of Face Coverings. Appropriate face coverings include non-medical grade masks, homemade masks, scarves, bandanas, or handkerchiefs.

E. Medical-grade Masks. Medical-grade masks and N95 respirators are not recommended for general public use under this Emergency Order, and should be reserved for use by health care and medical providers and first responders.

F. Intent. The intent of this Emergency Order is to further increase the wearing of face coverings when in public to reduce the spread of the COVID-19 virus, and to protect essential workers and all members of our community. Nothing in this Emergency Order shall supersede or relieve any person from complying with the social distancing



Office of the Mayor

mayor.cunningham@waukeganil.gov
Office: (847) 599-2510

Page 4

Waukegan Emergency Order
2020-EO-16

requirements set forth in Governor Pritzker's Stay-At-Home Order. Social and physical distancing is still the first and most effective practice to combat the COVID-19 pandemic.

G. Effective Date. This Emergency Order will take effect on Friday April 24, 2020 at 12:01 am, and run concurrently with the term of the City of Waukegan's Declaration of Emergency unless rescinded or superseded by my order or a majority vote of the corporate authorities at any regular or emergency meeting thereof.

Section 2. Stay at Home Order. Effective immediately, the Illinois Governor's Stay at Home Orders, included in Executive Orders 2020-10 and 2020-18 are adopted by this reference, and shall remain in effect within the Jurisdictional Limits of the City of Waukegan, so long as such similar Gubernatorial Executive Orders are in effect.

Section 3. Enforcement. Willful violations of this Order, shall be subject to the fines, penalties, and provisions set forth in City Code, and shall be subject to Administrative Adjudication, as set forth in Section 2-521, *et seq.* of the City of Waukegan Code of Ordinances.

Section 4. This Order shall be promptly filed with the Clerk of the City of Waukegan, and shall be posted on the City of Waukegan's website and anywhere Agendas are generally posted.

Section 5. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Dated: April 21, 2020

ATTEST:

SAMUEL D. CUNNINGHAM, JR.
Mayor, City of Waukegan, Illinois

JANET E. KILKELLY
Clerk, City of Waukegan, Illinois