SUPPLEMENTAL ORDER REGARDING FACE COVERINGS AND SOCIAL DISTANCING
MADE PURSUANT TO DECLARATION OF EMERGENCY
CITY OF DES PLAINES
JULY 29, 2020

I, Mayor Matthew J. Bogusz, do hereby issue the following supplemental emergency order for the City of Des Plaines this 29th day of July, 2020 (“Supplemental Order”).

Introduction

Since early March 2020, the State of Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 173,000 and taking the lives of 7,446 Illinois residents. The Coronavirus Disease 2019 (“COVID-19”), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, has placed an unprecedented burden on healthcare providers, first responders, and governments throughout the state, including Cook County and the City of Des Plaines.

The World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020. Despite efforts to contain COVID-19, WHO and the federal Centers for Disease Control and Prevention (“CDC”) indicated that the virus was expected to continue spreading, resulting in the need for federal and State governments to take significant steps to address this crisis.

On March 9, 2020, Governor JB Pritzker declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19. On March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (“Stafford Act”), covering all states and territories, including Illinois. On March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act.

Governor Pritzker has issued successive Proclamations of Disaster covering all portions of Illinois, including Des Plaines and Cook County, on April 1st, April 30th, May 29th, June 26th and most recently on July 24th (collectively, “Disaster Proclamations”).

On March 16, 2020, I issued a Declaration of Emergency pursuant to the authority granted to me by Chapter 5 of Title 6 of the City Code of the City of Des Plaines; Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; Section of 11 of the Illinois Emergency Management Act, 20 ILCS 3305/11; and the home rule powers of the City, to address the health threat posed by the COVID-19 pandemic (“Declaration”).

The Declaration granted and reserved emergency powers to the Mayor during the pendency of the civil emergency, including the right to issue additional emergency regulations and orders in furtherance of the Declaration.

Since issuance of the Declaration, the corporate authorities of the City of Des Plaines have approved and extended the duration of the Declaration. As of the date of this Supplemental Order, the
Declaration has been extended through and until the adjournment of the next meeting of the corporate authorities of the City.

On April 21, 2020, I issued a Supplemental Order requiring face coverings to be worn when shopping or working at an essential business, engaging in an essential activity, riding public transportation or in a taxi or ride share vehicle, and while outdoors if unable to practice social distancing of at least six feet from persons who are not members of the same household or residence.

On Friday June 26, 2020, Governor Pritzker issued an Emergency Disaster Proclamation and Executive Orders 2020-43 and 2020-44, officially advancing the State of Illinois into Phase 4 of the Restore Illinois plan.

Executive Order 2020-43 included requirements for businesses and the general public in Illinois, mandating (i) social distancing; (ii) the wearing of face coverings; and (iii) limiting the attendance at gatherings to a maximum of 50 persons.

On July 24, 2020, Governor Pritzker issued a new Emergency Disaster Proclamation and Executive Order 2020-48, which reissued past executive orders including Executive Order 2020-43.

As of the date of this Supplemental Order, there is neither a tested and effective vaccine nor proven therapeutic treatment available for COVID-19. The 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. 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. 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. The Director of the National Institute of Allergy and Infectious Diseases has recommended that individuals wear facial coverings to prevent individuals from infecting others.

In order to prevent the spread of COVID-19 in the City, and to further protect the residents of the City from disease and death, and pursuant to the authority set forth in the Declaration; Sections 11-1-6 and 11-20-5 of the Illinois Municipal Code, 65 ILCS 5/11-1- 6, 11-20-5; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, I find that it is necessary to issue a supplemental emergency order as set forth below.

Except as specifically set forth in this Supplemental Order, nothing in this Supplemental Order modifies or limits the actions and authority previously established by the Declaration or any of the orders that I previously issued pursuant to the Declaration.

**Supplemental Order**

I hereby direct and order as follows:

Except as otherwise specifically provided in this Supplemental Order, persons residing in, doing business in, traveling through, or visiting the City must take the following public health steps to protect their own and their fellow citizens’ health and lives:

{00116035.2}
1. **Practice Social Distancing.** To the extent individuals are occupying any shared space outside of their homes, whether publicly or privately owned, when outside their residence, including when outdoors, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other individual who is not part of their household.

2. **Wear a Face Covering.** Any individual who is over age two and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to cover their nose and mouth with a face covering when in any shared space outside of their homes, whether publicly or privately owned, and unable to maintain a six-foot social distance. This requirement applies whether the individual is in an indoor space, such as a store, or in an outdoor space where maintaining a six-foot social distance is not always possible.

3. **Limit gatherings.** Any gathering of more than fifty people is prohibited; provided, however, that this numerical limit on gatherings shall not apply to services and related activities of religious organizations. All individuals participating in gatherings with fifty persons or less, must comply with the social distancing and face covering requirements set forth in Section 1 and 2 of this Supplemental Order. Nothing in this Supplemental Order prohibits the gathering of members of a household or residence.

4. **Exemptions.** The following functions, and only these functions, are declared exempt from the requirements of Sections 1, 2, and 3 of this Supplemental Order:

   a. **Emergency functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response. These individuals and groups are encouraged to practice social distancing and mask wearing and to take other recommended public health measures.

   b. **Governmental functions.** This Supplemental Order does not apply to the United States government and does not affect services provided by the State of Illinois or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public.

The intent of this Supplemental Order is to reduce the spread of the COVID-19 virus, and to protect essential workers and all members of our community. Nothing in this Supplemental Order shall supersede or relieve any person from complying with requirements set forth in the Governor’s executive orders that may be more restrictive.

This Supplemental Order will take effect on Wednesday July 29, 2020 at 12:00 noon, and run concurrently with the term of the Declaration of Civil Emergency unless rescinded or superseded by my order or a majority vote of the corporate authorities at any regular or special meeting thereof. This Supplemental Order replaces in its entirety my April 21, 2020 Supplemental Order, which previous supplemental order is hereby rescinded.

{00116035.2}
SIGNED AND SEALED with the official seal of the City of Des Plaines on this 29th day of July, 2020.

By:

Matthew J. Bogusz  
Mayor  
City of Des Plaines

City Seal
STATE OF ILLINOIS  )
COUNTY OF COOK  ) SS.

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Matthew J. Bogusz, the Mayor of the City Des Plaines, personally known to me, appeared before me, under oath, this day in person and acknowledged that in such capacity she signed and delivered the said instrument, as her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 29st day of July, 2020.

[Notary Seal]

[Notary Signature]

[Notary Public]

ANJANETTE BRZEZINSKI
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
April 05, 2021