

**STATE OF ILLINOIS
IN THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY**

KLA, Inc. d/b/a Fox Run Restaurant & Lounge)	
an Illinois Corporation.)	
)	
Plaintiff,)	2020MR000642
)	
vs.)	Case No. 2020-MR-_____
)	
Mayor James Langfelder,)	
in his official capacity.)	
)	
and)	
)	
City of Springfield,)	
a municipal corporation,)	
)	
Defendants.)	

**COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff, KLA, Inc. d/b/a Fox Run Restaurant & Lounge, (“Fox Run”), by and through its attorney, Thomas DeVore and the Silver Lake Group, Ltd., and for its Complaint for Declaratory Judgment and Injunctive Relief against Defendants, Mayor James Langfelder, (hereinafter referred to as “Langfelder”), in his official capacity, and the City of Springfield, a municipal corporation, (hereinafter referred to as “Springfield”), and hereby alleges as follows:

1. Langfelder is the duly elected Mayor of the City of Springfield.
2. Springfield is a municipal corporation and has only such powers and authority as expressly conferred by the Illinois legislature.
3. Fox Run is an Illinois Corporation engaged in the food service industry.
4. Fox Run has a restaurant physically located within the city limits of Springfield.

5. On March 24, 2020, pursuant to 65 ILCS 5/11-1-6, Springfield adopted ordinance 118-03-220 adding Chapter 20 Local State of Emergency to the City Code of Ordinances. (See Exhibit A) (hereinafter the “Emergency Ordinance”)

6. The Illinois Municipal Code states: “the corporate authorities of each municipality may by ordinance grant to the mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency. Such ordinance shall establish standards for the determination by the mayor of when a state of emergency exists, and shall provide that the mayor shall not exercise such extraordinary power and authority except after his signing, under oath, a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists. Such statement shall be filed with the clerk of the municipality as soon as practicable. A state of emergency, declared as provided in this section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. (See 65 ILCS 5/11-1-6)

7. The Emergency Ordinance gave Langfelder power to issue executive orders under Section (d) only if he declares an emergency exists pursuant to Section (b) as defined in Section (a). (See Sections (a), (b) and (d) of the Emergency Ordinance)

8. The very next day on March 25, 2020, Langfelder issued a Declaration of Local State of Emergency (See Exhibit B) (hereinafter the “Declaration”)

9. Langfelder cites the following as authority to issue the Declaration:

- a) The Emergency Ordinance of Springfield
- b) 65 ILCS 5/11-1-6 (Illinois Municipal Code)

c) 20 ILCS 3305/11 (Illinois Emergency Management Agency Act)

10. The Illinois Emergency Management Agency Act states:

(a) A local disaster may be declared only by the principal executive officer of a political subdivision, or his or her interim emergency successor, as provided in Section 7 of the "Emergency Interim Executive Succession Act". It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk, township clerk, or the municipal clerk, as the case may be, in the area to which it applies.

(b) The effect of a declaration of a local disaster is to activate the emergency operations plan of that political subdivision and to authorize the furnishing of aid and assistance thereunder.

(See 20 ILCS 3305/11(a) and 20 ILCS 3305/11(b))

11. Pursuant to allegedly authority under the Emergency Ordinance, as allowed by the Illinois Municipal Code, as well as the Illinois Emergency Management Agency Act, and his Declaration of Emergency, Langfelder issued six executive orders between March 27, 2020 and July 31, 2020. (See Group Exhibits C-H)

12. The Court can take judicial notice that the corporate authorities for Springfield convened and adjourned its regular monthly meeting on April 07, 2020.

13. Langfelder has acknowledged he intends to continue enforcing these executive orders against businesses this coming weekend, especially his newly crafted executive orders #5 and #6. (See Exhibit I)

14. The Chief of Police of Springfield has advised there is a plan this coming weekend to write citations to bars and restaurants who violate Langfelder's executive orders. (See Exhibit J)

15. As a direct result of the threatened enforcement of these executive orders, Fox Run has immediately suffered from reduced patronage of customers in its restaurant which is within the corporate limits of Springfield.

COUNT I
DECLARATORY JUDGMENT
EMERGENCY ORDINANCE IS VOID IN WHOLE OR PART
AS TO SPRINGFIELD

16. Fox Run incorporates paragraphs 1 through 15 as if more fully adduced herein.

17. Springfield only has the authority to issue the Emergency Ordinance as allowed by the Illinois Legislature pursuant to 65 ILCS 5/11-1-6.

18. The legislature was crystal clear when it wrote "a state of emergency, declared as provided in this section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared." (See 65 ILCS 5/11-1-6)

19. Springfield blatantly disregarded the legislature when it enacted the Emergency Ordinance where in implemented the following: "The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30-day period during the time said emergency exists. (See paragraph (e) of the Emergency Ordinance)

20. The Legislature gave Springfield no such authority to authorize Langfelder the power to re-proclaim a state of emergency under 65 ILCS 5/11-1-6.

21. The Legislature was clear that any power for Langfelder to issue executive orders under 65 ILCS 5/11-1-6 expired not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

22. The first regular meeting subsequent to the Langfelder's Declaration of emergency was April 07, 2020.

23. Fox Run, as a business operator with the territory of the city of Springfield, has a right to insist Springfield's Emergency Ordinance, which impact Fox Runs business interests, be promulgated by the corporate authorities of Springfield only as allowed by the Illinois legislature under 65 ILCS 5/11-1-6

24. An actual controversy exists between the parties in regard to the authority of the corporate authorities of Springfield to issue the Emergency Ordinance containing provisions which violate Illinois Law.

25. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

WHEREFORE, Plaintiff, Fox Run Restaurant & Lounge herein requests that this court enter an Order:

- A. Declaring the Emergency Ordinance enacted by the corporate authorities of Springfield contains an ultra vires provision allowing Langfelder to re-proclaim an emergency every 30 days;
- B. Declare the Emergency Ordinance void in total, or in the alternative declare the provision allowing Langfelder to re-proclaim a state of emergency every 30 days void.

- C. Declare any executive orders issued by Langfelder are void subsequent to the adjournment of the Corporate Authorities of Springfield's public meeting of April 07, 2020.
- D. Awarding Fox Run costs incurred in this matter as may be allowed by law;
- E. That the Court grant such other and further relief as is just and proper.

COUNT II
DECLARATORY JUDGMENT
MARCH 25, 2020 DECLARATION IS VOID
AS TO LANGFELDER

26. Fox Run incorporates paragraphs 1 through 25 as if more fully adduced herein.

27. Notwithstanding its invalidity in whole or in part, the Emergency Ordinance does in fact define in Section 2(a) what constitutes an emergency in the view of the corporate authorities of Springfield. (See section 2(a) of Emergency Ordinance).

28. Section 2(a) of the Emergency Ordinance is in compliance with Illinois Law which states such an ordinance shall establish standards for the determination by the mayor of when a state of emergency exists. (See 65 ILCS 5/11-1-6)

29. Illinois law further provides that the mayor shall not exercise such extraordinary power and authority except after his signing, under oath, a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists. (See 65 ILCS 5/11-1-6)

30. Following this relevant provision of Illinois Law, and as recited within the Emergency Ordinance, Langfelder was required put forth a statement of facts in his Declaration finding the definition of an emergency as provided by the corporate authorities of Springfield had been met.

31. Nowhere in the Declaration of Langfelder does he even attempt to satisfy this legal requirement.

32. No findings of fact, or any facts for that matter, are adduced as to the circumstances which might be present in the corporate limits of Springfield which meet any part of the definition of an emergency as provided by the corporate authorities.

33. Nothing but conjecture about the general state of the COVID-19 virus which existed at that moment.

34. Subsequent to his Declaration, Langfelder goes about issuing, and continues to issue, his executive orders which impact Fox Run's business.

35. Fox Run, as a business operator with the territory of the city of Springfield, has a right to insist Langfelder's Declaration, which impact Fox Runs business interests, must satisfy the express terms and conditions of the corporate authorities of Springfield as provided by the Illinois legislature under 65 ILCS 5/11-1-6

36. An actual controversy exists between the parties in regard to the authority Langfelder to issue the Declaration which is not in compliance with the express terms and conditions of the corporate authorities of Springfield as provided by the Illinois legislature under 65 ILCS 5/11-1-6

37. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

WHEREFORE, Plaintiff, Fox Run Restaurant & Lounge herein requests that this court enter an Order:

- A. Declaring the Declaration is void for failure to provide specific facts and findings to support any part of the definition of an emergency as required by the Emergency Ordinance and Illinois Law;

- B. Declare any executive orders issued by Langfelder pursuant to any authority granted to him under the Declaration be deemed void ab initio.
- C. Awarding Fox Run costs incurred in this matter as may be allowed by law;
- D. That the Court grant such other and further relief as is just and proper.

COUNT III
DECLARATORY JUDGMENT
EXECUTIVE ORDERS NOT AUTHORIZED BY IEMAA
AS TO LANGFELDER

- 38. Fox Run incorporates paragraphs 1 through 37 as if more fully adduced herein.
- 39. Langfelder cites Section 11 of the Illinois Emergency Management Agency Act as additional authority for his executive orders. (See 20 ILCS 2305/11)
- 40. Absolutely nothing within Section 11 of the Illinois Emergency Management Agency Act authorizes Langfelder to issue executive order.
- 41. As a matter of fact, this provision of Illinois Law specifically limits Langfelder's authority to activating the emergency operations plan of Springfield and to authorize the furnishing of aid and assistance thereunder. (See 20 ILCS 2305/11(b))
- 42. Fox Run, as a business operator with the territory of the city of Springfield, has a right to insist Langfelder's Declaration, which impact Fox Runs business interests, must be in accordance with Illinois Law.
- 43. An actual controversy exists between the parties in regard to the authority Langfelder to issue his executive orders which are not authorized by any provision of the Illinois Emergency Management Agency Act.
- 44. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

WHEREFORE, Plaintiff, Fox Run Restaurant & Lounge herein requests that this court enter an Order:

- A. Declare any executive orders issued by Langfelder pursuant to any alleged authority granted to him under Section 11 of the Illinois Emergency Management Agency Act be deemed void ab initio.
- B. Awarding Fox Run costs incurred in this matter as may be allowed by law;
- C. That the Court grant such other and further relief as is just and proper.

COUNT IV
COMPLAINT FOR PERMANENT INJUNCTION
AS TO LANGFELDER

45. Fox Run restates and realleges the facts and allegations contained in paragraphs 1 through 44, inclusive, as if more fully restated herein.

46. Fox Run has a right to insist the Emergency Ordinance issued by the corporate authorities of Springfield be in conformity with Illinois Law.

47. Fox Run has a right to insist the Declaration issued by Langfelder be in conformity with the definition of an emergency as provided in the Emergency Ordinance, and it also include the requisite factual information within the corporate limits of the city as required by Illinois Law.

48. Fox Run has a right to insist the Executive Orders issued by Langfelder be authorized by Illinois Law.

49. The threatened enforcement of the ultra vires executive orders by Langfelder is causing irreparable damage to Fox Run as patronage by its customers has seen a drastic decline since Langfelder and local law enforcement are now threatening compliance.

50. Fox Run has no adequate remedy at law because absent an injunction restraining the enforcement, Fox Run's patronage by its customers will continue to suffer.

51. Fox Run has shown Langfelder's Emergency Proclamation fails to satisfy the

factual basis supporting an emergency exists within the corporate limits as defined by the corporate authorities of Springfield, and as required by Illinois Law.

52. Fox Run has also shown any authority granted Langfelder to wield executive power during an emergency lapsed as required by Illinois Law at the end of the public meeting of the corporate authorities of Springfield on April 07, 2020.

53. Fox Run has also shown Langfelder was granted no authority to wield executive power under Section 11 of the Illinois Emergency Management Agency Act.

54. Absent this permanent injunction, there is a sufficient probability that future conduct of the Langfelder, or those under his control, will irreparably harm Fox Run.

WHEREFORE, Plaintiffs Fox Run, respectfully pray this Honorable Court enter an order in their favor and against all Defendants that grants the following relief:

- (a) Find Fox Run a right to insist any Emergency Ordinance, in whole or in part, issued by the corporate authorities of Springfield be within their authority;
- (b) Find Fox Run a right to insist any Declaration issued by Langfelder be only as allowed by the Emergency Ordinance and Illinois Law;
- (c) Find Fox Run is being irreparably harmed while it is being subjected to threatened enforcement of Langfelder's ultra vires executive orders;
- (d) Find Fox Run has no adequate remedy at law to protect itself beyond injunctive relief.
- (e) Find Fox Run has succeeded in proving the Emergency Ordinance, in whole or in part, issued by the corporate authorities of Springfield contained provisions beyond their authority.
- (f) Find Fox Run has succeeded in proving Declaration issued by Langfelder violated

the provisions of the Emergency Ordinance and Illinois Law by failing to provide any factual basis or findings supporting an emergency existed in the corporate limits of Springfield;

- (g) Find Fox Run has succeeded in proving Langfelder has no authority under Section 11 of the Illinois Emergency Management Agency Act to issue the executive orders attached herein;
- (h) Entering a permanent injunction barring the Langfelder, or anyone under his control, from enforcing any or all of his executive orders attached herein from this date forward;
- (i) An award of costs; and
- (j) Such other relief as this Court deems to be equitable and just.

Respectfully submitted,

By: /s/ Thomas Devore
Thomas G. DeVore
IL Bar Reg. No. 6305737
118 N. 2nd St.
Greenville, IL 62246
Telephone - 618-664-9439
tom@silverlakelaw.com

VERIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief, if any, and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Date: August 06, 2020

By: /s/ Keith L. Ayre
KEITH L. AYRE

118-03-2020

**AN ORDINANCE ADDING CHAPTER 20 LOCAL STATE OF EMERGENCY TO
THE CITY CODE OF ORDINANCES**

WHEREAS, the City of Springfield, Sangamon County, Illinois ("City"), is a home rule unit of government and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides for the declaration of a state of emergency and the grant of extraordinary authority to the Mayor by the corporate authorities; and

WHEREAS, the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor; and

WHEREAS, the City now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the City; and

WHEREAS, it is in the best interest of the City to add Chapter 20 Local State of Emergency to the City Code of Ordinances to allow for the exercise of extraordinary powers during a state of emergency within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1:

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2:

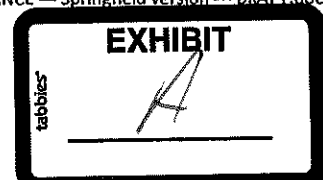
That Chapter 20 entitled Local State of Emergency is hereby added to the City Code as follows:

Chapter 20 – LOCAL STATE OF EMERGENCY

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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 without authority of law; or (2) Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the city, resulting in or threatening 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 walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within



the corporate limits of the city except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(b) Declaration. Whenever an emergency, as defined in subsection (a) of this section exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.

(c) Curfew authorized. After proclamation of a Local State of Emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(d) Orders authorized. After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the state of emergency:

- 1) All actions reasonably necessary to respond to the emergency;
- 2) Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality; and
- 3) Make individual purchases as required of not more than \$100,000 for any one item. The city council shall be notified within twenty-four hours of such emergency purchases.

(e) Duration. The declaration herein authorized shall be effective for a period of up to 30 days or until the adjournment of the next regular or special meeting of the city council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30 day period during the time said emergency exists. A meeting of the city council may called at any time by the mayor or three members of the city council as provided by the section 31.04 of the city code.

(f) Notice. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the City, and shall cause at least four copies of the proclamation declaring the existence of the emergency and any curfew to be posted at the following places within the city: the city hall, the police station, the post office, and in the area of any curfew.

(g) Violations. Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by Section 10.99 of the City code.

(h) Effect on other ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

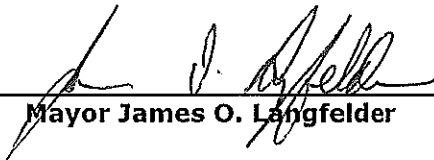
Section 3: The City of Springfield Office of the City Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 4: This ordinance shall become effective immediately upon its passage and recording with the City Clerk.

PASSED: March 24, 2020

SIGNED: March 25, 2020


RECORDED: March 25, 2020



Mayor James O. Langfelder

ATTEST: 

City Clerk Frank J. Lesko

Approved as to legal sufficiency:


Office of Corporation Counsel / Date

- Requested by: Mayor Langfelder
Alderman Redpath,
Alderman Gregory,
Alderwoman Turner,
Alderman Fulgenzi,
Alderman Proctor,
Alderwoman DiCenso,
Alderman McMenemy,
Alderwoman Conley,
Alderman Donelan,
Alderman Hanauer

Declaration of Local State of Emergency

RECEIVED

MAR 26 2020

City Clerk's Office

State of Illinois
County of Sangamon
City of Springfield

Pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and City Code of Ordinances of the City of Springfield, I, James O. Langfelder, the Mayor of the City of Springfield do hereby declare that a Local State of Emergency exists as of this date, March 25, 2020, and shall continue until the State of Illinois' Declaration of Emergency is lifted.

THE NATURE OF THE EMERGENCY

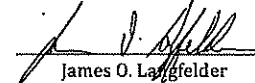
An outbreak of Novel Coronavirus (COVID-19) has emerged. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease. Despite efforts to contain COVID-19, the Centers for Disease Control & Prevention (CDC) indicate that it is expected to spread. The number of suspected COVID-19 cases is increasing exponentially across Illinois. Slowing the spread of COVID-19 will reduce the number of people who become sick at any given time and the possibility of exhausting our health care resources.

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and as provided under the City Code of Ordinances.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, James O. Langfelder, whose name is signed to this Instrument, being first duly sworn, signed, and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Springfield to be affixed this 25th day of March, 2020.


James O. Langfelder
Mayor

NOTARY ACKNOWLEDGMENT

On this 25th day of March, 2020, personally appeared the above-named, James O. Langfelder and acknowledged the foregoing to be his free act and deed, before me.

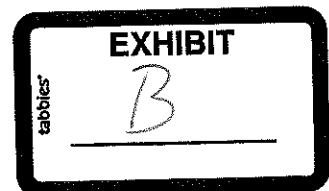
My Commission Expires: 09/26/23

Notary Public

Print

Vanessa Pohlman

OFFICIAL SEAL
VANESSA POHLMAN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/26/23



RECEIVED

MAR 27 2020

THE CITY OF SPRINGFIELD, ILLINOIS
OFFICE OF THE MAYOR

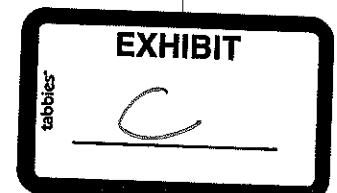
City Clerk's Office

Re: Use of the Municipal Complex during the COVID-19 State of Emergency

EMERGENCY ORDER NUMBER ONE


NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code 5/11-1-6, the Illinois Emergency Management Act Section 3305/11, the City of Springfield Code of Ordinances, as amended, and the Declaration of Local State of Emergency filed on March 25, 2020, with this Emergency Order. The Order is as follows:

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O").
2. The Centers for Disease Control & Prevention ("C.D.C.") indicates that COVID-19 is expected to spread.
3. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, lung disease or asthma.
4. Proper precautions to avoid the spread of COVID-19 include social distancing and quarantining.
5. The City of Springfield owns and operates the property located between 7th and 9th Streets and Monroe Street and Capitol Avenue ("municipal complex"). The municipal complex includes Municipal Center East, Municipal Center West, Howarth Plaza, Fire Station, the Springfield Public Library and adjoining green spaces.
6. During the local state of emergency, all individuals other than City employees conducting public business, are prohibited from assembling or loitering, camping, or storing personal property at the municipal complex.
7. Individuals shall be permitted use the public sidewalks for walking or transportation from one location to another. Further, individuals shall be permitted to use any portable restrooms located on municipal complex property.



8. Individuals that are homeless or require shelter shall be directed to the appropriate community resources, including but not limited to Helping Hands, located at 1023 East Washington Street, Springfield, Illinois and the Salvation Army, located at 1600 East Clearlake Avenue, Springfield, Illinois, for assistance.
9. Failure to comply with this Emergency Order may result in an individual(s) being subject to a City of Springfield Ordinance Violation for Trespass.
10. This Emergency Order shall remain in effect only so long as the State of Local Emergency due to COVID-19 exists.

HEREBY ORDERED THE 27th DAY OF MARCH, 2020

By: 
JAMES O. LANGFELDER, MAYOR

RECEIVED

MAR 31 2020

THE CITY OF SPRINGFIELD, ILLINOIS
OFFICE OF THE MAYOR

City Clerk's Office

Re: Compliance with Governor's Executive Order No. 8 Regarding COVID-19

EMERGENCY ORDER NUMBER TWO

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code 5/11-1-6, the Illinois Emergency Management Act Section 3305/11, the City of Springfield Code of Ordinances, as amended, and the Declaration of Local State of Emergency filed on March 25, 2020, with this Emergency Order. The Order is as follows:

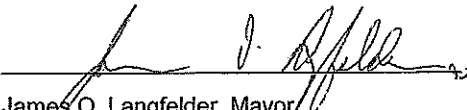
1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O.").
2. The Centers for Disease Control & Prevention ("C.D.C.") indicates that COVID-19 is expected to spread.
3. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
4. Proper precautions to avoid the spread of COVID-19 include social distancing and isolation.
5. The Governor of the State of Illinois has issued a number of Executive Orders to address the COVID-19 emergency, including Executive Order No. 8, which mandates that law enforcement agencies cease enforcing orders of eviction for the duration of the Gubernatorial Disaster Proclamation.
6. Pursuant to the Governor's Executive Order No. 8 regarding COVID-19, the Springfield Police Department will not evict any individual(s) from any residential premises for the remainder of the Gubernatorial Disaster Proclamation.
7. This includes assisting with the removal of persons who fail, refuse, or have the inability to pay for any services the residential premises may provide. Residential premises include homes, hotels, motels, shared rental units, shelters, and similar facilities.



8. Additionally, the Springfield Police Department will not assist any individual(s) with the repossession of any vehicles for the remainder of the Gubernatorial Disaster Proclamation.

HEREBY ORDERED THE 30th DAY OF MARCH, 2020

By:


James O. Langfelder, Mayor

RECEIVED

APR 08 2020

**THE CITY OF SPRINGFIELD, ILLINOIS
OFFICE OF THE MAYOR**

City Clerk's Office

**Re: Springfield Police Department Enforcement of Governor's Executive Order
No. 8 (2020-10)**

EMERGENCY ORDER NUMBER THREE

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code 5/11-1-6, the Illinois Emergency Management Act Section 3305/11, the City of Springfield Code of Ordinances, as amended, and the Declaration of Local State of Emergency filed on March 25, 2020, with this Emergency Order. The Order is as follows:

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O.").
2. The Centers for Disease Control & Prevention ("C.D.C.") indicates that COVID-19 is expected to spread.
3. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
4. Proper precautions to avoid the spread of COVID-19 include social distancing and isolation.
5. The Governor of the State of Illinois has issued a number of Executive Orders to address the COVID-19 emergency, including Executive Order No. 8 (Executive Order 2020-10), which prohibits gatherings of 10 or more people and mandates citizens to shelter in place when not engaging in essential activities.
6. Executive Order No. 8 (2020-10) authorizes local law enforcement agencies to enforce its provisions.
7. Upon a violation of Executive Order No. 8 (2020-10), including but not limited to a gathering of 10 or more persons or failure to observe six foot social distancing policy, the Springfield Police Department is authorized to take appropriate enforcement action to gain compliance. Proper enforcement actions include but are not limited to:



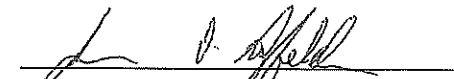
- a. Engaging in community caretaking by contacting the individuals in violation of the Order, educating, and redirecting the violator to gain voluntary compliance.
- b. Directing a person to leave a certain location and return to his or her residence.
- c. Issue ordinance violations or institute criminal charges, based on reckless conduct, disorderly conduct, or other offenses as appropriate under the circumstances. The fine for an ordinance violation shall not exceed \$500 for each occurrence.

This shall not apply to immediate family members residing in the same physical residence.

8. Nothing in this Order will be deemed to limit the proper legal actions available to the Springfield Police Department in the enforcement of Executive Order No. 8 (2020-10) or any other law.
9. Nothing in this order will be deemed to restrict the use of proper legal discretion of the Springfield Police Department in the discharge of their duties.
10. This Order shall remain in effect until such time that the local state of emergency, as declared on March 25, 2020, is lifted.

HEREBY ORDERED THE 8th DAY OF APRIL, 2020

By:


James O. Langfelder, Mayor

RECEIVED

APR 09 2020

**THE CITY OF SPRINGFIELD, ILLINOIS
OFFICE OF THE MAYOR**

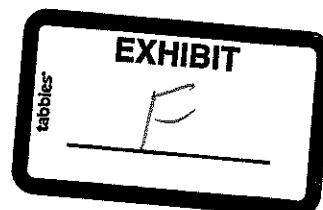
City Clerk's Office

**Re: Conduct of Essential Businesses Permitted to Remain Open Pursuant to
Governor's Executive Order No. 8 (2020-10)**

EMERGENCY ORDER NUMBER FOUR

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code 5/11-1-6, the Illinois Emergency Management Act Section 3305/11, the City of Springfield Code of Ordinances, as amended, and the Declaration of Local State of Emergency filed on March 25, 2020, with this Emergency Order. The Order is as follows:

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O").
2. The Centers for Disease Control & Prevention ("C.D.C.") indicates that COVID-19 is expected to spread.
3. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
4. The Governor of the State of Illinois has issued a number of Executive Orders to address the COVID-19 emergency, including Executive Order No. 8 (Executive Order 2020-10), which prohibits gatherings of 10 or more people and mandates citizens to shelter in place when not engaging in essential activities.
5. Further, the Governor's Executive Order No. 8 (2020-10) permits certain essential businesses to remain operational during the statewide COVID-19 emergency.
6. Proper precautions to avoid the spread of COVID-19 include social distancing of six or more feet apart.
7. Effective immediately, all essential businesses permitted to remain open within the corporate boundaries of the City of Springfield pursuant to Executive Order No. 8 (2020-10) are instructed to institute and establish proper social distancing measures to insure that all patrons maintain a physical distance of six or more feet apart. Each essential business open to the public shall implement each of the following:
 - a) Establish a written policy setting out the rules and procedures used to maintain compliance with social distancing and other recommended COVID 19 health compliance.



b) Establish a store policy on how the requirements are to be enforced by store personnel during the period the operating premises of the business are open to the public.

c) Post public signs by all entrances regarding COVID 19 rules and compliance by the customers of the business.

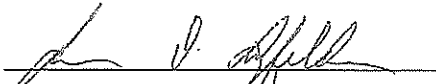
d) The posted policies shall include, 1) recommending the use of face masks while in the business premises, 2) limit customers to no more than two family members at a time to be present in the store; and 3) discourage children from coming with a parent to the business premises.

e) Complaints regarding compliance with these mandatory requirements by essential businesses during the operation of their business shall be referred to the Fire Department fire safety division. The fire safety division shall inspect and determine if the essential business is in compliance with these requirements. The fire safety division shall assist each business with compliance questions. Failure by an essential business to comply with these mandatory provisions after receiving a written warning may result in a fine of not less than \$500 per day.

8. Further, Section 12(t) of the Governor's Executive Order No. 8 (2020-10), classifies "waste pickup and disposal" as an essential business.
9. Springfield citizens complying with the Governor's Executive Order No. 8 (2020-10) face a potential public health risks associated with uncollected waste if "waste pickup and disposal" services are not provided.
10. Therefore, effective immediately, no waste hauler operating within the corporate limits of the City Of Springfield pursuant to the Governor's Executive Order No. 8 (2020-10) may terminate waste and recycling pick up and/or disposal services due to non-payment during the emergency period.
11. This Order reaffirms the March 25, 2020 declaration of a local state of emergency which declaration shall remain in place and in full effect until such time as the emergency declaration issued by the State of Illinois is lifted.

HEREBY ORDERED THE 9th DAY OF APRIL, 2020

By:


James O. Langfelder, Mayor

THE CITY OF SPRINGFIELD, ILLINOIS

OFFICE OF THE MAYOR

Re: Conduct of Bars and Restaurants Due to COVID-19

EMERGENCY ORDER NUMBER FIVE AND ORDER OF
THE LIQUOR COMMISSIONER

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code, Section 5/11-1-6, the Illinois Emergency Management Act, Section 3305/11, the Declaration of Local State of Emergency filed on March 25, 2020, the City of Springfield Code of Ordinances, as amended, and the Illinois Liquor Control Act with this Emergency Order. The Order is as follows:

BACKGROUND

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O.").
2. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
3. Proper precautions to avoid the spread of COVID-19 include social distancing of six or more feet apart.

AUTHORITY

4. Chapter 90 of the City of Springfield Code of Ordinances authorizes the Mayor, in his capacity as Local Liquor Commissioner, with "the administration of the appropriate provisions of the Illinois Liquor Control Act, of this chapter, and of such ordinances, resolutions, rules, and regulations relating to alcoholic liquor as may be adopted (Section 90.05(a))."
5. The Emergency Declaration filed on March 25, 2020, Chapter 20 and Chapter 33, Article XII of the City of Springfield Code of Ordinances states, in relevant part, the following:

During a local disaster emergency the mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of city business, or the orders, rules and regulations of any city agency, if strict compliance with the provisions of any ordinance, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency as authorized by "The Illinois Emergency Management Act ..." (Section 33.110(d))



ORDER

6. Therefore, in response to the coronavirus pandemic, the Mayor, pursuant to his powers under the Emergency Declaration filed on March 25, 2020 and Chapters 20, 33 and 90 of the City of Springfield Code of Ordinances, hereby adopts by reference the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.
7. It is further ordered that holders of all local liquor licenses, as set forth in Section 90.15 of the City of Springfield Code of Ordinances, are subject to the requirements set forth in the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.

PENALTIES

8. Violations of this order will result in penalties pursuant to Chapter 90 of the City of Springfield Code of Ordinances, including but not limited to fines, emergency closure, and/or suspension or revocation of the local liquor license. A copy of the Illinois Liquor Control Commission memorandum is attached to this Order as Exhibit A.

SAVINGS

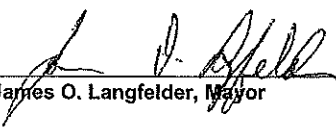
9. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

DURATION

10. This Order shall remain in effect until such time that the local state of emergency, as declared on March 25, 2020, is lifted or upon further executive order by the Mayor.

HEREBY ORDERED THE 16th DAY OF JULY, 2020

By: _____


James O. Langfelder, Mayor



-A-

Governor JB Pritzker
Cynthia Berg, Chair
Chimaobi Enyia, Executive Director

100 West Randolph Street, Suite 7-801, Chicago, IL 60601
300 West Jefferson Street, Suite 300, Springfield, IL 62702

Local Liquor Control Commission Summary Authority

The Illinois Liquor Control Act gives Local Liquor Control Commissioners ("LLCCs") the authority to temporarily cease a liquor license for a period of 7 days if the operation of the business "will immediately threaten the welfare of the community." 235 ILCS 5/7-5.

Per the Liquor Control Act,

If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

235 ILCS 5/7-5 (emphasis added).

Should a LLCC decide to act under the above referenced Section, the Illinois Liquor Control Commission recommends the following:

1. Consult City Attorney.
2. Commence an investigation.
3. If necessary, notify the bar/restaurant in writing that LLCC could immediately cease the license without a hearing if they violate restaurant/bar reopening requirements.
4. If necessary, Issue a written order ceasing the liquor license for no more than 7 days which may include the following information:
 - a. Cite 235 ILCS 5/7-5 of the Illinois Liquor Control Act.
 - b. State date/s and time/s of when order is in effect.
 - c. State the basis for LLCC conclusions that continued operation of the bar/restaurant will immediately threaten the welfare of the community.
 - d. State that the licensee has the right to be heard during the license cessation period. For example, LLCC could allow the licensee to submit a plan to help ensure compliance with State bar/restaurant requirements.
 - e. Sign and date the order.
 - f. Require law enforcement agency to personally serve the order on owners/officers.
 - g. Monitor and enforce order if necessary.

Please contact the ILCC Legal Division at ILCC@illinois.gov for further guidance, if necessary.

RECEIVED

JUL 31 2020

THE CITY OF SPRINGFIELD, ILLINOIS
OFFICE OF THE MAYOR

City Clerk's Office

Re: **Conduct of Bars and Restaurants Due to COVID-19**
EMERGENCY ORDER NUMBER SIX AND ORDER OF THE
LIQUOR COMMISSIONER

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code, Section 5/11-1-6, the Illinois Emergency Management Act, Section 3305/11, the Declaration of Local State of Emergency filed on March 25, 2020, the City of Springfield Code of Ordinances, as amended, and the Illinois Liquor Control Act with this Emergency Order. The Order is as follows:

BACKGROUND

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O").
2. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
3. Proper precautions to avoid the spread of COVID-19 include social distancing of six or more feet apart.

AUTHORITY

4. Chapter 90 of the City of Springfield Code of Ordinances authorizes the Mayor, in his capacity as Local Liquor Commissioner, with "the administration of the appropriate provisions of the Illinois Liquor Control Act, of this chapter, and of such ordinances, resolutions, rules, and regulations relating to alcoholic liquor as may be adopted (Section 90.05(a))."
5. The Emergency Declaration filed on March 25, 2020, Chapter 20 and Chapter 33, Article XII of the City of Springfield Code of Ordinances states, in relevant part, the following:

During a local disaster emergency the mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of city business, or the orders, rules and regulations of any city agency, if strict compliance with the provisions of any ordinance, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency as authorized by "The Illinois Emergency Management Act ..." (Section 33.110(d))



ORDER

6. Therefore, in response to the coronavirus pandemic, the Mayor, pursuant to his powers under the Emergency Declaration filed on March 25, 2020 and Chapters 20, 33 and 90 of the City of Springfield Code of Ordinances, hereby adopts by reference the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.
7. It is further ordered that holders of all local liquor licenses, as set forth in Section 90.15 of the City of Springfield Code of Ordinances, are subject to the requirements set forth in the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.
8. It is further ordered that holders of all local liquor licenses, as set forth in Section 90.15 of the City of Springfield Code of Ordinances, shall not allow the occupancy of standing areas, inside or outside the licensed premises. Each patron or group of patrons must have an assigned table (seated or high top) unless leaving the restaurant or bar or going to the restroom. If a patron moves away from their assigned table or seat (whether to visit another table, go to the bar or restroom), a face covering must be worn. Table and seating arrangements must be compliant with social distancing guidelines which requires at least six feet distance between tables or seats of unassociated parties with no standing areas allowed.
9. It is further ordered that each licensee shall conspicuously display a sign giving notice to all patrons that a mask is required to be worn while the patron is in the licensed premises consistent with state and local guidelines. An example of such notice is "No Mask -- No Service". Further examples are available on the City of Springfield's website.

PENALTIES

10. Violations of this order will result in penalties pursuant to Chapter 90 of the City of Springfield Code of Ordinances, including but not limited to fines, emergency closure, and/or suspension or revocation of the local liquor license.

SAVINGS

11. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

DURATION

12. This Order adopts and reaffirms all prior Orders issued pursuant the local, state and national emergency declarations. This Order shall remain in effect until such time that the local state of emergency, as declared on March 25, 2020, is lifted or upon further executive order by the Mayor.

HEREBY ORDERED THE 31th DAY OF JULY, 2020

By: _____

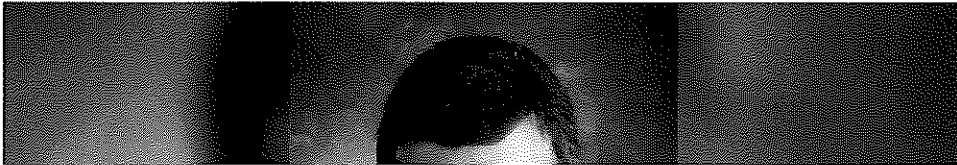

James O. Langfelder, Mayor

Springfield Prepares To Enforce New Executive Order

Springfield, IL, USA / 98.7 WNNS | Springfield's Best Variety

[WMAY Newsroom](#)

Aug 4, 2020 2:20 PM



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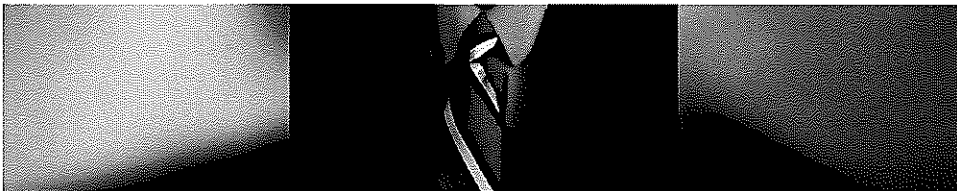
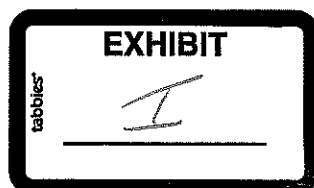


Photo: Facebook / Mayor Jim Langfelder

Springfield police and fire inspectors are gearing up to enforce the city's new executive order aimed at slowing the spread of coronavirus in bars and restaurants.

After spending this week educating businesses on the new requirement, Mayor Jim Langfelder says the city will start enforcing it this weekend. The new rules require all patrons to have assigned seating and to stay in their seats rather than congregating in open areas indoors. If patrons leave their tables to go to the bathroom or elsewhere, they should wear a mask.

Langfelder acknowledges the requirements may be frustrating, but says it's no different than rules requiring shirts and shoes inside restaurants and bars.



ON AIR NOW

10:00 AM - 2:00 PM

Monica

RECENTLY PLAYED



Harry Styles
Adore You

3 minutes ago



Huey Lewis & the News



Giri on Fire

10 minutes ago



Sam Fisher
This City

17 minutes ago



Outfield
Your Love

21 minutes ago



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WEATHER

SPRINGFIELD
WEATHER



70°F
Clear

Wed



77°F
54°F

Thu



79°F
55°F

Fri



82°F
66°F

APPEARANCES

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both inside and outside of bars and restaurants.

While representatives from the Springfield police and fire departments began inspecting bars and restaurants over the weekend, Springfield Police Chief Kenny Winslow said the focus was distributing the new guidelines and educating bar and restaurant owners of what is expected of them.

Reached Sunday, Winslow said Springfield police plan to do some proactive details this week as well as cite violators.

There were no tickets or citations issued over the weekend either by Springfield police or the Springfield Fire Department.

Contact Steven Spearie, 622-
1788, sspearie@spfld.net,
twitter.com/steven_spearie

T
Initials
KST

TO

