



May 29, 2020

Executive Order No. 2020-04

**EXECUTIVE ORDER OF THE VILLAGE PRESIDENT
OF THE VILLAGE OF WESTERN SPRINGS**

(Temporary Outdoor Cafes and Temporary Outdoor Liquor Cafes)

PRESIDENT

Alice Gallagher

TRUSTEES

Heidi Rudolph

James Tyrrell

Nicole Chen

Alan Fink

James John

Scott Lewis

CLERK

James Horvath

MANAGER

Ingrid Velkme

DIRECTORS

Grace Turi

Pat Schramm

Martin Scott

Matthew Supert

Patrick Kenny

Brian Budds

Ellen Baer

Aleks Briedis

RECITALS

WHEREAS, the Village of Western Springs (“Village”) is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, COVID-19, also known as the “coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Cook County; and

WHEREAS, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation due to the impact of the COVID-19 outbreak and activated the State Emergency Operations Center; and

WHEREAS, on March 16, 2020, at an emergency Western Springs Village Board meeting, a local state of emergency and disaster related to the COVID-19 outbreak was declared (“Emergency”) (see, Village President of Western Springs' Declaration of a Local State of Emergency and Disaster and Village of Western Springs Ordinance No. 20-3001 pertaining to a local state of emergency and disaster); and

WHEREAS, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07, suspending on-premise consumption of food and beverages and prohibiting gatherings of 50 people or more; and

WHEREAS, on March 19, 2020, the Illinois Liquor Control Commission issued a written directive that authorized all holders of State on-premise consumption only liquor licenses to sell pre-packaged alcoholic beverages in conjunction with carry-out or pick-up or delivery food orders, provided that the local liquor control commissioner authorized such sales; and

WHEREAS, effective Wednesday, March 18, 2020, all Village of Western Springs buildings were closed to the public and many Village staff began working remotely, impacting Village public business operations; and

WHEREAS, COVID-19 continues to be a dangerous, contagious disease which has spread around the world, including in the United States, the State of Illinois, Cook County and the Village, and is a direct and serious threat to the public's health, safety and welfare; and

WHEREAS, COVID-19 is a disease that is likely to cause loss of life, loss of productivity, hardship and suffering to persons residing in or doing business in and around the Village; and

WHEREAS, on May 5, 2020, the Governor of the State of Illinois announced Restore Illinois, a 5-Phase Plan to allow the reopening of Illinois; and

WHEREAS, on May 20, 2020, the Governor of the State of Illinois announced the inclusion of restaurant outdoor dining into Phase 3 of the Restore Illinois Plan; and

WHEREAS, the Governor of the State of Illinois anticipates implementation of Phase 3 of the Restore Illinois Plan on May 29, 2020; and

WHEREAS, the Village of Western Springs may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, including taking immediate emergency measures to protect the public welfare in response to the COVID-19 outbreak.

NOW, THEREFORE, by the powers vested in me as the Village President and the Local Liquor Control Commissioner of the Village of Western Springs, and pursuant to Section 11-1-1 (Police Powers) and Section 11-1-6 (Extraordinary Powers; Executive Orders and State of Emergency) of the Illinois Municipal Code (65 ILCS 5/11-1-1 and 5/11-1-6), 20 ILCS 3305/11 of the Illinois Emergency Management Agency Act, Section 6-3-2 (Civil Emergency Declared), Section 1-10-6 (Emergency Action), Section 4-1-5 (Local Liquor Control Commissioner Designated; Powers and Duties) and Section 10-4-5 (Temporary Uses) of the Western Springs Municipal Code, the Village President of Western Springs' Declaration of a Local State of Emergency and Disaster and Village of Western Springs Declaration of State of Emergency No. 20-01, I order the following:

SECTION 1: Recitals. The Recitals set forth above are found to be true and correct and are incorporated herein and made a part hereof in their entirety by reference as though fully set forth in this Section.

SECTION 2: Temporary Outdoor Dining for Restaurants. Pursuant to the authority granted to the Village President by applicable laws and in accordance with the Illinois Governor's Executive Orders and the Illinois Department of Public Health Regulations for Restaurant Outdoor Dining, new temporary outdoor cafes and new temporary outdoor liquor cafes and the expansion of seating capacity for current outdoor cafes and outdoor liquor cafes operated by the Village's restaurants and other (food-related) retail business will be temporarily allowed by Village-issued temporary use permits, within certain Village-approved locations and in conformance with the Village's Guidelines for Temporary Expansion of Outdoor Dining Areas for Restaurants, a copy of which is attached hereto as **Group Exhibit "A"** and made a part hereof. The Village President / Local Liquor Control Commissioner, or her designee, shall have the authority to authorize the partial closure and use of certain Village rights-of-way, Village property, and off-street private and public parking lots for the operation of new outdoor dining areas and the expansion of current outdoor dining areas (i.e., outdoor cafes and outdoor liquor cafes) in general conformance with the Map of Proposed Expanded Outdoor Dining Areas, a copy of which is attached hereto as **Group Exhibit "A"**, during the pendency of the Emergency. In this Executive Order, the term "outdoor dining area" also refers to the term "outdoor dining area" and also includes the terms "outdoor café" and "outdoor liquor café."

SECTION 3: Temporary Outdoor Consumption of Alcohol for Restaurants. Pursuant to the authority granted to the Village President / Local Liquor Control Commissioner by applicable laws, all Class H (Outdoor Liquor Cafe) liquor license holders who currently operate an outdoor liquor café or other Village liquor license holders who are granted a temporary use permit to operate an outdoor dining area (i.e., temporary outdoor liquor café) may serve alcohol in conjunction with the restaurant's service of food in conformance with the guidelines set forth in **Group Exhibit "A"** and any associated Governor's Executive Order and Illinois Department of Public Health Regulations for Outdoor Dining and all applicable requirements of the Village's Guidelines for Temporary Expansion of Outdoor Dining Areas for Restaurants. The issuance of a temporary use permit for the operation of a temporary outdoor liquor café is not an approval of a Class H (Outdoor Liquor Cafe) Liquor License in accordance with the provisions of the Village Liquor Control Ordinance.

SECTION 4: Other Businesses. The Village staff may approve temporary use permits for the conduct of outdoor activities for other Village businesses so long as they do not violate the general requirements of **Group Exhibit "A"**, any related Illinois Governor Executive Order or Illinois Department of Public Health Regulations for Outdoor Dining.

SECTION 5: Permits; Special Parking Restrictions. The Village staff shall have the authority, as directed by the Village Manager, or her designee, to prepare and examine

applications for temporary use permits, to issue temporary use permits, and to assure continued compliance with the Governor's Orders, the Village President's Orders and **Group Exhibit "A"**. Based on input from the Village Manager and the Director of Law Enforcement Services, or their designees, Village staff shall install and enforce temporary parking restriction signage for 15 minute and/or 30 minute parking spaces in the Downtown corridor to help balance out short and medium term use of parking spaces.

SECTION 6: Existing Regulations. This Executive Order recognizes that certain outdoor activities permitted pursuant to this Order may be inconsistent with existing regulations of the Village and endorses those inconsistencies so long as they do not violate the Governor's Executive Orders, this Executive Order, **Group Exhibit "A"** and the temporary use permits issued pursuant to this Executive Order. The Village President, or her designee, shall have the authority to vary and/or waive any requirement, including fees and penalties, of the Village Code related to outdoor dining areas during the pendency of the Emergency.

SECTION 7: Retail Sale of Alcoholic "Cocktails and Mixed Drinks-To-Go" In Conjunction With A Food Orders For Delivery, Pick-Up Or Carry-Out. In the event that the Illinois Governor issues an Executive Order or the Illinois Liquor Control Commission issues a written directive or House Bill 2682 is signed into state law by the Illinois Governor, which proposes to amend Section 6-28.8 (Delivery And Carry Out Of Mixed Drinks Permitted) of the State Liquor Control Act of 1934 to allow liquor licensees to sell at retail alcoholic cocktails and mixed drinks for off-premises consumption in authorized, sealed containers in conjunction with food orders for delivery, pick-up or carry-out in accordance with applicable state liquor regulations, to support our local restaurants and acting in my capacity as the Local Liquor Control Commissioner, I approve a temporary amendment to each Village liquor license classifications to permit the retail sale of alcoholic cocktails and mixed drinks for off-premises consumption in authorized, sealed containers in conjunction with food orders for delivery, pick-up or carry-out in accordance with applicable state liquor regulations. In this regard, the liquor license holders shall comply with the liquor regulations set forth in Illinois House Bill 2682 (Amendments to Section 6-28.8 (Delivery And Carry Out Of Mixed Drinks Permitted) of the State Liquor Control Act of 1934), a copy of which is attached as **Exhibit "B"** and made a part of this Executive Order. This temporary amendment will remain in place until the Emergency terminates or this Executive Order is repealed.

SECTION 8: Reporting. Every temporary use permit issued pursuant to this Executive Order shall be reported to the Village President and Board of Trustees within forty-eight (48) hours of its issuance.

SECTION 9: Compliance; Enforcement. All successful applicants who operate an outdoor café or an outdoor liquor café shall comply with any directives of the Village President / Local Liquor Control Commissioner, the Village Manager or the Police Chief, or their designees, to modify or discontinue any activities or operations due to public safety

concerns. Any temporary use permit issued under this Executive Order may be suspended or revoked upon written notice by the Village President, or her designee, if the health, welfare and safety of the public warrants suspension or revocation or for non-compliance with the temporary use permit or any applicable laws or regulations.

SECTION 10: Duration. Each temporary use permit for a new temporary outdoor cafe, a new temporary outdoor liquor café, an expanded dining area for a current outdoor café or an outdoor liquor cafe shall automatically expire upon the earlier of:

- A. The end of the Governor of the State of Illinois' disaster proclamation regarding COVID-19;
- B. Repeal of this Executive Order by an ordinance of the Village President and Board of Trustees or by Executive Order of the Village President;
- C. This Executive Order being superseded by State law or an Executive Order of the Governor of the State of Illinois.

SECTION 11: Effective Date. This Executive Order shall be in full force and effect immediately on the date and time listed below.

SECTION 12: Filing. This Executive Order shall be filed with the Village Clerk's Office upon its execution by the Village President.

APPROVED this 29th day of May, 2020 at 9:05 A.M / P.M.

Alice F. Gallagher
Alice F. Gallagher, Village President

Subscribed and sworn to before me
this 29th day of May, 2020.

Elaine Haeske

Notary Public



Group Exhibit "A"

Map of Proposed Expanded Outdoor Dining Areas

and

Guidelines for Temporary Expansion of Outdoor Dining Areas for Restaurants

(attached)

Exhibit "B"

Illinois House Bill 2682

Amendments to Section 6-28.8 (Delivery And Carry Out Of Mixed Drinks Permitted)
of the State Liquor Control Act of 1934

(attached)