

EXECUTIVE ORDER NO. 2020.04

**EXECUTIVE ORDER ESTABLISHING LOCAL REGULATIONS REGARDING
OUTDOOR DINING IN COMPLIANCE WITH PHASE 3 OF THE STAY AT HOME
ILLINOIS RESTORE ILLINOIS PLAN IN THE VILLAGE
OF FRANKLIN PARK, COOK COUNTY, ILLINOIS
(COVID-19 – MAY 27, 2020)**

RECEIVED
MAY 28 2020
VILLAGE OF FRANKLIN PARK, IL
CLERK'S OFFICE

WHEREAS, the Village of Franklin Park (the "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 County of Cook; and

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

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020 due to the COVID-19 disease outbreak; and

WHEREAS, the President of the Board of Commissioners of the County of Cook issued a disaster proclamation on March 10, 2020; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 disease outbreak a worldwide global pandemic; and

WHEREAS, the President of the United States of America declared a national state of emergency on March 13, 2020; and

WHEREAS, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07 that ordered the suspension of on-premise consumption of food and liquor and extended such suspension through Executive Order 2020-033; and

WHEREAS, on March 20, 2020, the Governor of the State of Illinois issued Executive Order 2020-10, a "Stay at Home" order, allowing only "essential businesses" to operate and limiting the movement of persons in Illinois in order to slow the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18, extending the "Stay at Home" order through April 30, 2020; and

WHEREAS, on April 8, 2020, the Village President declared a state of emergency in the Village entitled "Declaration of a State of Emergency Village of Franklin Park, Cook County,

Illinois" (the "Declaration") and such state of emergency continues to exist in the Village; and

WHEREAS, the Declaration was made pursuant to authority granted to the Village by Ordinance Number 1920-G-80 pursuant to the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32 to extend the "Stay at Home" order with certain modifications; and

WHEREAS, on May 5, 2020, the Governor of the State of Illinois issued the Restore Illinois Plan, a five-phased plan to reopen the State of Illinois; and

WHEREAS, on May 24, 2020, the Governor of the State of Illinois declared that all four regions of the State of Illinois are on track to enter Phase 3 of Restore Illinois Plan on May 29, 2020; and

WHEREAS, on May 24, 2020, the Illinois Department of Commerce and Economic Opportunity and the Illinois Department of Public Health issued COVID-19 2020 Outdoor Dining Guidelines (the "Guidelines") as part of Phase 3 of the Restore Illinois Plan; and

WHEREAS, in order to ensure restaurants and bars within the Village of Franklin Park have the ability to comply with the Guidelines, the Village President has determined that it is necessary to make this Executive Order to best protect the public's health, safety and welfare regarding the COVID-19 pandemic; and

WHEREAS, as the Local Liquor Commissioner, the Village President has the authority to adopt rules and regulations related to the retail sale of alcoholic beverages within the corporate boundaries of the Village of Franklin Park; and

WHEREAS, the Village President has determined that it is necessary to make this Executive Order to best protect the public's health, safety, and welfare regarding the COVID-19 pandemic; and

WHEREAS, the Village President has further determined that the relief herein provided will benefit the residents and businesses of the Village and serve to alleviate the financial impact of the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDERED, by the Village President of the Village of Franklin Park, Cook County, Illinois:

Section 1. Incorporation. The recitals and findings above shall be and are incorporated in this Section 1, as if fully restated herein.

Section 2. Executive Order. To help Village residents, businesses and the community at large deal with the significant repercussions of the COVID-19 pandemic; to address certain matters contained in Phase 3 of Restore Illinois Plan and the COVID-19 2020 Outdoor Dining Guidelines, issued on May 24, 2020; and to establish local regulations concerning the outdoor consumption of alcohol and food on private property in an area adjacent to pre-existing licensed establishment but only to the extent herein provided, it is ordered:

1. **Outdoor Dining and Alcohol Consumption Permit.** Notwithstanding anything contained in the Village Code of Franklin Park, Illinois (the "Code") to the contrary, any existing licensed restaurant in good standing may be issued a permit by the Village to conduct a dining and alcohol consumption outdoor area on private property directly adjacent to the applicable establishment subject to the following minimum conditions:

- A. An application for a Licensed Premise, as herein defined, must be submitted identifying at minimum the following:
 - i. Name, address and contact information of the applicant.
 - ii. A detailed site plan indicating the area the outdoor dining facility is to be located and the proposed location of lighting, tables, chairs, tents or other objects or fixtures (the "Licensed Premise"), including all existing on-site parking, ingress and egress to the property and other objects on the property. The site plan must be approved by the Village.
 - iii. Copies of valid Business and Health/Sanitation Licenses, as provided in the Code.
 - iv. A copy of a valid Liquor License for on-premise consumption, if applicant intends on serving alcohol, as provided in the Code.
 - v. If an application for use of an area is located on adjacent private property not owned or leased by the applicant:
 - a. Written evidence of authority from the owner or property manager of any adjacent private property authorizing use of the area for the Licensed Premise of the applicant; or
 - b. Written evidence of authority from the landlord or property manager of the applicant of any adjacent private property authorizing use of the area for the Licensed Premise of the applicant.
 - vi. Written Evidence of appropriate general liability insurance, Workers' Compensation insurance in the required statutory amount and dram shop insurance in the required statutory amount covering the Licensed Premise.
 - vii. Other information required from time to time by the Village to evaluate and process the application or ensure continued compliance by the applicant of the Licensed Premise.
 - viii. An application fee for the Licensed Premise in the amount of \$25.00.

- B. Each Licensed Premise issued a permit shall at all times be subject to the following minimum rules, regulations and procedures:
- i. The applicant's existing operations and Licensed Premise shall at all times comply with the COVID-19 2020 Outdoor Dining Guidelines issued as part of Phase 3 of the Restore Illinois Plan by the Illinois Department of Commerce and Economic Opportunity and the Illinois Department of Public Health.
 - ii. The Licensed Premise shall be maintained clean and free from refuse or clutter regardless of the source of such refuse and clutter. No refuse or clutter shall be disposed of in a public waste receptacle.
 - iii. As it relates to the sale or consumption of alcohol:
 - a. Alcohol can only be sold in the Licensed Premise in conjunction with the sale of a meal prepared on premise;
 - b. Alcohol can only be served by staff of the applicant to seated patrons at tables in the Licensed Premise;
 - c. No alcohol shall be removed from the Licensed Premise;
 - d. The sale of alcohol must be to a person at least 21 years of age by a person who is at least 21 years of age.
 - e. Outdoor bar areas are prohibited.
 - iv. The source of music provided outdoors shall be located only on the property of the applicant and shall be provided at noise levels maintained in strict compliance with the Code. Live music or entertainment is prohibited.
 - v. The Licensed Premise shall be limited to the area identified in the applicable site plan.
 - vi. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors. The applicant shall agree without reservation of right or defense to abide by the direction of the Franklin Park Police Department concerning same.
 - vii. Hours of operation of the Licensed Premise shall be limited to the hours of operation identified in the applicable permit, and in no event operate before 11:00 a.m. or after 10:00 p.m.
 - viii. Dancing or dance area is prohibited.
 - ix. No awning or tent shall completely enclose the Licensed Premise.
 - x. All operations of the Licensed Premise shall be conducted in a manner that does not interfere with pedestrians, parking, or traffic.
 - xi. Except for restroom visits and take-out orders, indoor premises of the applicant are to remain closed for public use. Social distancing markers and appropriate signage shall be placed in queue areas for restrooms and take-out order lines.
 - xii. Any outdoor furniture (including, without limitation, chairs, tables, and tents) must be properly constructed and secured and items not permanently attached shall be removed when the Licensed Premise is closed.

- xiii. Smoking shall be prohibited in the Licensed Premise.
- xiv. All operations shall not disturb the lawful use and quiet enjoyment of nearby tenants, property occupants or adjacent neighbors.
- xv. No public right-of-way shall be included or made a part of the Licensed Premise.
- xvi. Except as specifically provided herein, operations of the Licensed Premise shall comply with all applicable Federal, State and County laws, rules, regulations, and requirements.
- xvii. Driveways, drive aisles, drive thru or other means for traffic circulation may not be impeded or blocked.
- xviii. Barriers to safely delineate and secure the Licensed Premise must be identified in the site plan and installed to protect occupants in the Licensed Premise. No barrier shall pose a safety hazard to occupants. Any portion of the Licensed Premise adjacent to a parking area must separate the Licensed Premise from the rest of the parking lot.
- xix. Permanent plumbing, electrical, and lighting fixtures shall not be installed.
- xx. Temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences.
- xxi. Abide by all applicable life-safety and health codes, regulations, and requirements.

2. **Term of Permits; Revocation.** Each permit issued pursuant to this Executive Order shall be valid until the expiration of the Gubernatorial Disaster Declaration, the withdrawal or amendment of this Executive Order or November 1, 2020. Any applicant who violates the provisions of this Executive Order shall be subject to fine and subject the permit to suspension or revocation because of a violation. No permit issued pursuant to this Executive Order shall constitute personal property, and the Village shall retain the right to terminate or revoke any permit at any time for use of the Licensed Premise upon twenty-four (24) hours' notice to the applicant. Each permit, except as provided herein, remains subject to any other applicable provisions of the Village's Liquor Code or Illinois Liquor Control Act and shall be subject to fine, suspension and/or revocation of the liquor license. Upon expiration or revocation of a permit, the applicant shall remove the Licensed Premise and return the area to its original use.

3. **Implementation, Administrative Rules and Procedures.** The Department Head of the Police Department, Community Development and Zoning Department, Building Department and Health Department of the Village (the "Departments") are hereby authorized to formulate administrative rules and procedures and draft an appropriate application necessary to implement and enforce this Executive Order. Discretionary acts under this Executive Order shall be made by each Department Head of the Departments and the Village President using their best judgment.

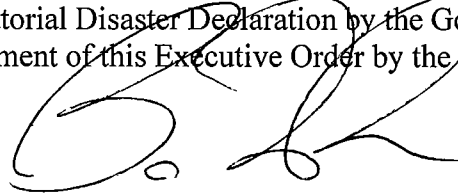
Section 3. No Vested Rights. This Executive Order grants no vested rights and no person or entity shall have any claim to vested rights in any relief granted in this Executive Order or any claim or property right in any permit or license authorized or issued pursuant to this

Executive Order.

Section 4. Legal Effect. This Executive Order only addresses the matters set forth above arising under the Village Code. This Executive Order does not waive or suspend compliance with any Federal, State, County or other applicable local laws, rules, regulations, and requirements.

Section 5. Saving Clause. If any section, provision or clause 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 section, provision or clause or application of this Executive Order, which can be given effect without the invalid section, provision or clause or application. To achieve this purpose, the sections, provisions, or clauses of this Executive Order are declared to be severable.

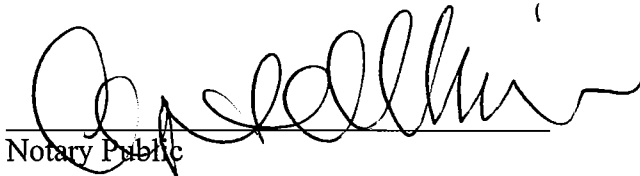
Section 6. Duration. This Executive Order takes effect immediately and expires upon the earlier of (a) the termination of Phase 3 of the Restore Illinois Plan issued by the Governor of the State of Illinois; (b) the termination of the Gubernatorial Disaster Declaration by the Governor of the State of Illinois; or (c) the withdrawal or amendment of this Executive Order by the Village President.



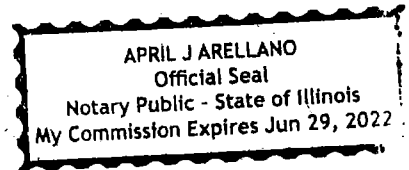
Barrett F. Pedersen, Village President
Village of Franklin Park, Illinois

Date: May 27, 2020

Subscribed and sworn to (or affirmed) before me by
Barrett F. Pedersen, Village President, Village of Franklin
Park, Illinois who is to me personally known on May 27, 2020.



Notary Public



(SEAL)