



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IB

Title:

Recommendation to Approve a Resolution Ratifying Executive Order 2020- 7 and Approving and Ratifying the Temporary Suspension of Late Night Liquor Permits and Closure of Restaurants/Bars and Other Entities at 12:00 Midnight

Presenter:

Mark Koenen

Meeting: City Council

Date: September 8, 2020

Proposed Cost: \$40,200

Budgeted Amount:

Not Budgeted:

**Executive Summary** (if not budgeted please explain):

Please refer to the information defined in the first eleven “WHEREAS” statements in Executive Order 7 for details on the COVID-19 pandemic, the current state of emergency, and the Mayor’s extraordinary power during the emergency period.

COVID-19 cases in Illinois and Kane County have been steadily increasing since entering Phase 4 of the reopening. The disease is known to spread in indoor spaces and requiring the late night closure past midnight of restaurants, bars and other entities at an earlier time will reduce the opportunity for individuals to gather for longer periods of time and help ensure individuals continue to maintain social distancing, as well as promote the health and safety of the public.

Executive Order 7 contains the following provisions:

1. All late night liquor permits issued by the City were suspended effective 12:00 midnight, August 28, 2020, and any and all late night permit fees paid by those holders (\$40,200) will be fully refunded.
2. All restaurants, bars, clubs, or any other entity with a suspended late night liquor permit in the City of St. Charles must close by 12:00 midnight.
3. Any restaurant, bar, or other entity that violates this Order will result in the issuance of a violation pursuant to the Municipal Code of the City of St. Charles, which will result in a fine between \$75.00 and \$750.00. In addition to the issuance of an ordinance violation, any restaurant, bar, or other entity that violates this Executive Order will be subject to the immediate suspension of their liquor license. Continuous violations may result in the revocation of the establishment's liquor license.

Along with the use of face coverings, diligent hand washing, and social distancing, it is believed that the actions in Executive Order 7 will reduce the opportunity for transmission of the COVID-19 disease. The goal is to allow businesses to remain open ongoing, rather than face a potential regression to Phase 3 and possible closure.

**Attachments** (please list):

Resolution  
Executive Order 2020-7

**Recommendation/Suggested Action** (briefly explain):

Recommendation to Approve a Resolution Ratifying the Decision Made in Executive Order 2020-7 for Temporary Suspension of Late Night Liquor Permits and Closure of Restaurants/Bars and Other Entities at 12:00 Midnight.

**City of St. Charles  
Resolution No.**

**Ratifying Executive Order 2020- 7 and Approving and Ratifying the  
Temporary Suspension of Late Night Liquor Permits and  
Closure of Restaurants/Bars and Other Entities at 12:00 Midnight**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

WHEREAS, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and,

WHEREAS, on August 25, 2020, the Mayor issued Executive Order No.7 directing the temporary suspension of late night liquor permits and closure of restaurants/bars and other entities at 12:00 midnight.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, to approve and ratify the actions taken by the Mayor pursuant to Executive Order 2020-7.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of September, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of September, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_\_ day of September, 2020.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
Charles Amenta, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

City of St. Charles  
Office of the Mayor  
St. Charles, Illinois

August 25, 2020

Executive Order 2020-7

**EXECUTIVE ORDER IN RESPONSE TO COVID-19 EMERGENCY  
TEMPORARY SUSPENSION OF LATE NIGHT LIQUOR PERMITS  
AND CLOSURE OF RESTAURANTS/BARS AND OTHER ENTITIES  
AT 12:00 MIDNIGHT (COVID-19 EXECUTIVE ORDER NO. 7)**

**WHEREAS**, COVID-19 (a/k/a Novel Coronavirus) is a severe respiratory illness caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of St. Charles; and

**WHEREAS**, no drug or vaccine is currently available to treat or prevent COVID-19; and

**WHEREAS**, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and

**WHEREAS**, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including Kane and DuPage Counties, are disaster areas due to the Novel Coronavirus; and

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 to be a global pandemic; and

**WHEREAS**, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

**WHEREAS**, on March 18, 2020, Ordinance No. 2020-M-11, as extended, granted the Mayor the extraordinary power and authority granted pursuant to the Illinois Municipal Code (including but not limited to 65 ILCS 5/11-1-6) and the City Municipal Code (including Sections 2.34 and 2.36) during the state of emergency declared by this Ordinance as may be reasonably necessary to respond to the emergency; and

**WHEREAS**, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and

**WHEREAS**, the Illinois Governor has established a five-phase plan, Restore Illinois, dated May 5, 2020, for the reopening of the State; and

**WHEREAS**, though the threat from COVID-19 to the public health, safety and welfare continues, the Restore Illinois Plan acknowledges the need to allow local and State economies to

begin to recover economically to minimize and reverse the adverse economic, social and psychological effects under the Plan; and

**WHEREAS**, all regions of the Restore Illinois Plan, including the Region in which the City is located, are in Phase 4 as of June 26, 2020; and

**WHEREAS**, the cases in Illinois and Kane County have been steadily increasing on the average since entering Phase 4 of the reopening and on August 14, 2020, the Kane County Health Department issued its warning that Kane County has been added to the Illinois Department of Public Health Watch Lists for the potential and significant increases of COVID-19 transmission; and

**WHEREAS**, COVID-19 is known to spread in indoor spaces and requiring the late night closure past midnight of restaurants, bars and other entities at an earlier time will reduce the opportunity for individuals to gather for longer periods of time and help ensure individuals continue to maintain social distancing; and

**WHEREAS**, in the interest of minimizing the spread of COVID-19, it is in the best interest of the health and safety of the public, generally, and the citizens of the City, in particular, to close restaurants, bars, and any other entities with late night liquor permits by 12:00 midnight, to ensure citizens continue to practice social distancing to mitigate the reduction of the spread of COVID-19.

**THEREFORE**, pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code (65 ILCS 5/11-1-6), the Illinois Emergency Management Agency Act (20 ILCS 3305/1), the City Code of the City (Secs. 2.34 and 2.36), the Emergency Declaration issued on March 18, 2020, as extended, and the findings set forth above, I, Raymond P. Rogina, Mayor of the City, do hereby order the following, effective 12:00 midnight on August 28, 2020, as follows:

1. **Late Night Permit.** All late night liquor permits issued by the City are hereby suspended, effective 12:00 midnight, August 28, 2020, and any and all late night permit fees paid by those holders shall be fully refunded.

2. **Closure of all Restaurants and Bars.** All restaurants, bars, gaming parlors, clubs, or any other entity with a suspended late night liquor permit in the City of St. Charles must close by 12:00 midnight, Monday through Sunday.

3. **Penalties.** Any restaurant, bar, or other entity that violates this Order will result in the issuance of a violation pursuant to the Municipal Code of the City of St. Charles, which will result in a fine between \$75.00 and \$750.00. In addition to the issuance of an ordinance violation, any restaurant, bar, or other entity that violates this Executive Order will be subject to the immediate suspension of their liquor license. Continuous violations may result in the revocation of the establishment's liquor license.

4. **Enforcement.** This Ordinance shall remain in effect until the Mayor has modified or terminated this Executive Order.

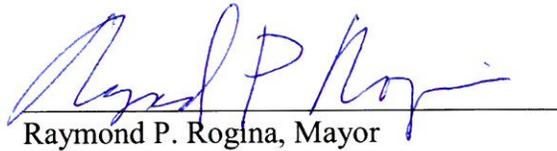
5. **Intent of this Executive Order.** The intent of this Executive Order is to ensure the health and safety of the citizens of St. Charles by requiring all restaurants, bars and other entities with certain late night liquor permits to close by 12:00 midnight to reduce the opportunity for individuals

to gather and to ensure individuals continue to practice social distancing to slow the recent rapid spread of COVID-19.

6. **Governor's Authority.** Nothing in this Order will be deemed to supersede the authority of the Governor and any orders that may be issued by the Governor.

7. **Severability.** If any provision of the 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.

This Executive Order will be filed with the City of St. Charles Clerk as soon as practicable.



Raymond P. Rogina, Mayor

Issued by the Mayor of St. Charles on August 25, 2020. Filed with the City Clerk on August 25, 2020.