



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: ID

Title:

Motion to approve an Ordinance Establishing a Temporary Outdoor Dining Permit Program.

Presenter:

Rita Tungare, Director of Community and Economic Development.

Meeting: City Council

Date: June 29, 2020

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

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

Background:

The Governor announced on May 20, 2020 that the Restore Illinois plan was amended to allow outdoor dining to resume once a region safely moved into Phase 3, which went into effect on May 29, 2020. Following the announcement, St. Charles restaurants began reaching out to implore the City to consider temporary policies that would create increased outdoor dining opportunities while providing appropriate social distancing.

In response to such requests, the Mayor issued an Executive Order which created a Temporary Outdoor Dining program and permit process that was inspired by outdoor dining models in Arlington Heights and Joliet.

Use of private parking lots and public parking lots and sidewalks:

The Temporary Outdoor Dining Policy in place currently allows for the use of private parking lots for outdoor dining provided that proof of ownership or authorization from the owner is demonstrated. For parking lots with less than 25 parking stalls (small lots), the entire lot may be used for outdoor dining, including ADA parking stalls if there is an effort to relocate the ADA stalls to the nearest street parking. For lots larger than 25 stalls, up to 50% of the lot area may be used for outdoor dining and ADA parking must be maintained.

Restaurants may request the use of public parking lots and are required to provide the City with a signed indemnification form and proof of insurance coverage listing the City as an additional insured. Public sidewalks may also be used for outdoor dining provided that the same requirements as public parking lots are met and that ADA walkways can be maintained.

Suspension of some sections of the Municipal Codes:

The Temporary Outdoor Dining policy included the suspension or relaxation of some sections of the local zoning code, including, but not limited to, parking minimums and other regulations detailed in Chapter 17.24 of the Municipal Code.

Temporary Outdoor Dining Permits:

To date, 28 restaurants have been granted Temporary Outdoor Dining permits that are set to expire on June 29, 2020. The intent of the 30-day permit was to give the City the opportunity to evaluate and revise the program if deemed necessary after the trial period.

Council's consideration of extending the Temporary Outdoor Dining Program:

At the time that permits were issued, it was unclear when the region would move into Phase 4 of the Restore Illinois Plan, at which point some level of indoor dining would be able to resume. The region is

now expected to move into Phase 4 on Friday, June 26th. However, the Council may consider extending the Temporary Outdoor Dining Program for the following reasons:

1. With reduced capacity indoors, restaurants may want to take advantage of outdoor dining areas to compensate for some of the lost capacity indoors.
2. Not all customers may be comfortable resuming indoor dining, maintaining outdoor dining would provide an options to the customers.

Should the Council decide to extend the Temporary Outdoor Dining Program after permits expire on June 29th, Staff proposes one of the following three dates for your consideration :

1. July 24th – at the least, extending the policy until July 24th which is when the First Street Plaza restaurants have to renew their sidewalk café permits.
2. September 8th – extending the policy through Labor Day weekend.
3. October 31st – extending the policy through the end of the sidewalk café season.

Attachments *(please list):*

Temporary Outdoor Dining Ordinance (including program guidelines and permit application)
Executive Order No. 3 Issued by the Mayor on May 28, 2020 and subsequently amended

Recommendation/Suggested Action *(briefly explain):*

Recommend approval of an Ordinance authorizing the Temporary Outdoor Dining Program and extending it until _____.

City of St. Charles, IL
Ordinance No. 2020-M-_____

**An Ordinance Establishing a Temporary Outdoor Dining
Program**

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, 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 of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

WHEREAS, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, advanced to Phase 3 on May 29, 2020 which allowed outdoor dining to reopen with social distancing and safety measures in place; and

WHEREAS, pursuant to the Mayor’s Executive Order issued on May 28, 2020, the City issued permits allowing temporary outdoor dining areas; and

WHEREAS, permits for temporary outdoor dining areas issued under the Mayor’s Executive Order expire on June 29, 2020; and

WHEREAS, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, are on schedule to move from Phase 3 to Phase 4 as early as June 26, 2020; and

WHEREAS, the Restore Illinois Plan allows bars and restaurants to reopen indoor dining areas in Phase 4 with reduced capacity and safety measures in place; and

WHEREAS, suspension and relaxation of the local zoning and other ordinances and rules to encourage and expand the ability of restaurants and bars to offer the outdoor consumption of food and drinks during the period of recovery would be in the best interests of the City; and

WHEREAS, the City Council finds it reasonably necessary to continue the temporary outdoor dining policy by formally establishing a Temporary Outdoor Dining Program to allow restaurants additional outdoor dining space to compensate for reduced indoor capacity and recovery from the past months of reduced operations and income.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

A. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the Council.

B. A Temporary Outdoor Dining Program, attached hereto as Exhibit “A” is hereby established.

C. The Temporary Outdoor Dining Program shall terminate on _____, unless extended by the City Council. After termination of the program, use of temporary outdoor dining areas authorized through the program shall cease, barriers and all other improvements placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use within 48 hours of the termination date.

D. This Ordinance is effective immediately and shall cease by its own terms provided herein.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 29th day of June 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this 29th day of June 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 29th day of June 2020.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:



Exhibit A

Temporary Outdoor Dining Program Program Guidelines

- A. Establishments that are allowed to reopen for outdoor dining with social distancing and safety measures, as allowed by the Restore Illinois Plan, that have existing outdoor areas for the consumption of food and drinking wanting to expand their current outdoor dining area and establishments seeking to temporarily add outdoor dining areas shall abide by the following:
1. Establishments must apply for a temporary outdoor dining permit from the City (attached at the end of this document). There shall be no fee for the permit.
 - a. The permit application shall include an aerial drawing that shows the existing outdoor dining area (if any) in a dotted line and the proposed new dining area in a solid line. Also:
 - i. If the proposed new dining area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.
 - ii. Parking lots over 25 stalls: Up to 50% of the parking area may be used for outdoor dining. Parking will need to be preserved to adequately serve the outdoor dining area and carry-out activities. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.
 - iii. Parking lots under 25 stalls: Small parking lots may convert the entire lot to outdoor dining, including ADA stalls, provided that effort is made to relocate the ADA stalls near the entrance using street parking where possible.
 - iv. If there is to be a covering over the new dining area, please indicate that on the drawing. The manufacturers guidelines for installation, all City code requirements, and flame spread requirements must be followed.
 - v. Sidewalks may be utilized for outdoor dining provided there is still means for ADA compliant pedestrian traffic on the remaining portion of the sidewalk.
 - b. Applicants must demonstrate that they are the owner of the property on which the new outdoor dining space is to be located, if the applicant is not the owner of the property, the application must include the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor dining area as indicated on the drawing provided as part of the permit application submitted by the requestor.
 - c. Businesses shall not set up any expanded outdoor dining prior to being notified of approval.

- d. Any indemnification or insurance shall be provided as required by the City.
2. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.
3. Establishments shall comply with the City's outdoor liquor license provisions.
4. A physical barrier shall delineate all outdoor dining areas and shall be of sufficient size and design as to deter the unintentional encroachment of vehicles into the dining area.
5. If ample lighting is provided, the outdoor dining area shall close no later than as permitted under the Applicant's current liquor license in conjunction with indoor dining and drinking, as issued by the City.
6. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
7. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
8. No permanent plumbing, electrical and lighting fixtures shall be installed.
9. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
10. Smoking in the outdoor dining area is prohibited.
11. Tables shall be placed to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.
12. The outdoor dining area shall not disturb the lawful use and quiet enjoyment of nearby properties.
13. Outdoor dining areas shall be open (e.g., no side walls other than the barrier) but may utilize awnings or other secured top coverings.
14. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
15. Bar areas are prohibited in an expanded outdoor dining area.
16. Outdoor trash receptacles shall be provided and maintained and the outdoor dining area shall be kept free from litter and debris.
17. No liquor shall be removed in open containers from the outdoor dining area.
18. Incorporation of landscaping is encouraged to enhance ambiance and improve the aesthetics of the outdoor dining area.

B. Applicant shall be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department, City of St Charles Municipal Code, and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of approval for the expanded dining area.



CITY OF
ST. CHARLES
ILLINOIS • 1834

City of St. Charles TEMPORARY OUTDOOR DINING PERMIT APPLICATION

Restaurant Information	Restaurant Name:	
	Address:	
	Phone:	
24-Hour Contact	Contact's Name:	
	Contact's Signature:	Date:
	Phone:	Email:

A no-fee permit is required to allow for the establishment of a temporary outdoor dining area. Following the issuance of a permit and the establishment of the temporary outdoor dining area, the City will inspect the temporary outdoor dining area for compliance with the approved plans. Outdoor dining areas established under this permit are considered temporary and shall not constitute a property right in the form of permanent outdoor seating.

The following items must be submitted as part of the application:

- Demonstration of ownership or a letter of authorization from the property owner(s)
- A site layout plan including the overall dimensions, barriers, entrances/exits, and, traffic circulation
- A description of any proposed tents, including size, location, and need for electrical hook-ups
- Any additional information which the Mayor or designee shall find reasonably necessary to a fair determination as to whether the permit shall be issued
- Prior to issuance of the temporary outdoor dining permit, the permittee shall provide the city with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the temporary outdoor dining permit.
 - o Worker's Compensation Insurance in at least the required statutory limits
 - o Comprehensive General Liability Insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property

damage with limits of at least two million (\$2,000,000) dollars per occurrence, and two million (\$2,000,000) dollars for any single injury

- [Dram Insurance](#)
- Complete indemnification/hold harmless document.

Agree to Comply with all Outdoor Dining Requirements:

- All tables must be six feet apart and located away from sidewalks and walkways
- Entrance/exit doors and fire lanes shall not be blocked
- Allow for adequate and safe parking to be maintained for customers
- A physical barrier around the outdoor dining area shall be required if alcohol is served or to protect the temporary dining area
- Tents must follow manufacturers guidelines for installation, all City code requirements, and flame spread requirements.
- If ample lighting is provided, the outdoor dining area shall close no later than as permitted under the Applicant's current liquor license in conjunction with indoor dining and drinking, as issued by the City.

Confirmation of Compliance with all Restaurant Requirements:

- Must adhere to all social distancing requirements and [restaurant guidelines set forth by the Illinois Department of Public Health](#)
- Food transported from the restaurant to the outdoor dining areas shall meet all Food Safety requirements
- Abide by all applicable requirements of the CDC, Kane County Health Department, and the Illinois Liquor Control Act.
- Regularly clean and sanitize outdoor dining areas and all frequently touched surfaces (i.e. door handles)
- Provide restrooms/handwashing inside the restaurant with social distancing

Failure to abide by any of these requirements may result in the revocation of the temporary outdoor dining permit. Businesses shall not set up any expanded outdoor dining prior to being notified of permit approval.

By checking the above boxes, I hereby agree confirm that the outdoor dining operations proposed in my application will comply with all of the above Outdoor Dining Requirements and Restaurant Requirements.

Applicant Signature: _____

Submit applications by email to:

Building and Code Enforcement

bceadm@stcharlesil.gov | 630.377.4406

Updated May 28, 2020

May 28, 2020

Executive Order 2020-3

**EXECUTIVE ORDER ALLOWING TEMPORARY OUTDOOR DINING
IN KEEPING WITH PHASE 3 OF THE GOVERNOR'S
RESTORE ILLINOIS PLAN DATED MAY 5, 2020, AS AMENDED
(COVID-19 EXECUTIVE ORDER NO. 3)**

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, 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 of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

WHEREAS, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, are on schedule to move from Phase 2 to Phase 3 (Recovery) as early as the end of May; and

WHEREAS, the Restore Illinois Plan has been amended to allow bars and restaurants to reopen in Phase 3 “for outdoor dining only, with social distancing and safety measures” in place; and

WHEREAS, suspension and relaxation of the local zoning and other ordinances and rules to encourage and expand the ability of restaurants and bars to offer the outdoor consumption of food and drinks during the period of recovery would be in the best interests of the City; and

WHEREAS, 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.

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 when the Governor and/or State of Illinois declares the beginning of Phase 3 for the Northeast Region of the Restore Illinois Plan, as follows:

A. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the Mayor.

B. Establishments that are allowed to reopen for outdoor dining with social distancing and safety measures, as allowed by the Restore Illinois Plan, that have existing outdoor areas for the consumption of food and drinking wanting to expand their current outdoor dining area and establishments seeking to temporarily add outdoor dining areas shall abide by the following:

1. Establishments must apply for a temporary outdoor dining permit from the City. There shall be no fee for the permit.

a. The permit application shall include an aerial drawing that shows the existing outdoor dining area (if any) in a dotted line and the proposed new dining area in a solid line. Also:

i. If the proposed new dining area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.

ii. Parking lots over 25 stalls: Up to 50% of the parking area may be used for outdoor dining. Parking will need to be preserved to adequately serve the outdoor dining area and carry-out activities. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.

iii. Parking lots under 25 stalls: Small parking lots may convert the entire lot to outdoor dining, including ADA stalls, provided that

effort is made to relocate the ADA stalls near the entrance using street parking where possible.

- iv. If there is to be a covering over the new dining area, please indicate that on the drawing. The manufacturers guidelines for installation, all City code requirements, and flame spread requirements must be followed.
- v. Sidewalks may be utilized for outdoor dining provided there is still means for ADA compliant pedestrian traffic on the remaining portion of the sidewalk.

b. Applicants must demonstrate that they are the owner of the property on which the new outdoor dining space is to be located, if the applicant is not the owner of the property, the application must include the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor dining area as indicated on the drawing provided as part of the permit application submitted by the requestor.

c. Businesses shall not set up any expanded outdoor dining prior to being notified of approval.

d. Any indemnification or insurance shall be provided as required by the City.

2. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.

3. Establishments shall comply with the City's outdoor liquor license provisions.

4. A physical barrier shall delineate all outdoor dining areas and shall be of sufficient size and design as to deter the unintentional encroachment of vehicles into the dining area.

5. If ample lighting is provided, the outdoor dining area shall close no later than 11:00 p.m. Sunday through Wednesday and 12:00 a.m. Thursday through Saturday.

6. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.

7. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.

8. No permanent plumbing, electrical and lighting fixtures shall be installed.

9. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.

10. Smoking in the outdoor dining area is prohibited.

11. Tables shall be placed to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.

12. The outdoor dining area shall not disturb the lawful use and quiet enjoyment of nearby properties.

13. Outdoor dining areas shall be open (*e.g.*, no side walls other than the barrier) but may utilize awnings or other secured top coverings.

14. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.

15. Live entertainment and electronically amplified music or sound shall not be permitted.

16. Bar areas are prohibited in an expanded outdoor dining area.

17. Outdoor trash receptacles shall be provided and maintained and the outdoor dining area shall be kept free from litter and debris.

18. No liquor shall be removed in open containers from the outdoor dining area.

19. Except for restroom visits and take-out orders, indoor premises shall be closed for public use.

20. Incorporation of landscaping is encouraged to enhance ambiance and improve the aesthetics of the outdoor dining area.

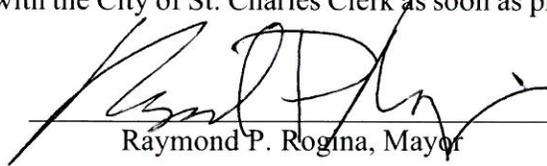
C. Applicant shall be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of approval for the expanded dining area.

D. When the existing Gubernatorial Executive Orders restricting capacity at bars and restaurants are terminated or cease, allowing for one hundred percent (100%) capacity indoors, or when this Executive Order is repealed by the Mayor or superseded by action of the corporate authorities of the City, whichever is sooner, the expanded use of parking lots or other outdoor areas for temporary outdoor dining shall cease, except as allowed by the City Code, barriers placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use.

E. This Executive Order is effective immediately and shall cease by its own terms as provided herein.

F. 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 May 28, 2020.
Filed with the City Clerk on May 28, 2020.

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

June 11, 2020

Executive Order 2020-4

**EXECUTIVE ORDER ALLOWING TEMPORARY OUTDOOR DINING
IN KEEPING WITH PHASE 3 OF THE GOVERNOR'S
RESTORE ILLINOIS PLAN DATED MAY 5, 2020, AS AMENDED
(COVID-19 EXECUTIVE ORDER NO. 4)**

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, 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 of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

WHEREAS, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, are on schedule to move from Phase 2 to Phase 3 (Recovery) as early as the end of May; and

WHEREAS, the Restore Illinois Plan has been amended to allow bars and restaurants to reopen in Phase 3 “for outdoor dining only, with social distancing and safety measures” in place; and

WHEREAS, suspension and relaxation of the local zoning and other ordinances and rules to encourage and expand the ability of restaurants and bars to offer the outdoor consumption of food and drinks during the period of recovery would be in the best interests of the City; and

WHEREAS, 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.

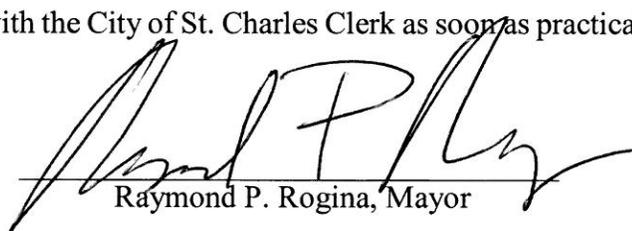
THEREFORE, pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code (65 ILCS 5/11-1-6), the Illinois Emergency Management Agency Act (20 ILCS 3305/1), the City Code of the City (Secs. 2.34 and 2.36), the Emergency Declaration issued on March 18, 2020, as extended, and the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

A. An Order amending Executive Order No. 3, Entitled; “EXECUTIVE ORDER ALLOWING TEMPORARY OUTDOOR DINING IN KEEPING WITH PHASE 3 OF THE GOVERNOR’S RESTORE ILLINOIS PLAN DATED MAY 5, 2020, AS AMENDED (COVID-19 EXECUTIVE ORDER NO. 3)” by omitting Section B, Subsection 15, that states, “Live entertainment and electronically amplified music or sound shall not be permitted.”

B. This Executive Order is effective immediately and shall cease by its own terms as provided herein. Except as otherwise amended herein, Executive Order No. 3, as amended, is hereby affirmed and re-stated.

C. 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 June 11, 2020.
Filed with the City Clerk on June 11, 2020.