

Ordinance No. 2020-18

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE
APPROVING OUTDOOR RESTAURANT SALES AND LIQUOR SERVICE
UNDER RESTORE ILLINOIS PHASE 3 GUIDELINES**

WHEREAS, the Village of West Dundee, Kane County, Illinois (the "*Village*") is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and,

WHEREAS, on March 11, 2020 the World Health Organization characterized the COVID-19 outbreak as a pandemic; and,

WHEREAS, J.B. Pritzker, Governor of the State of Illinois (the "*Governor*"), declared all counties in the State of Illinois as a disaster area on March 9, 2020 in response to the outbreak of COVID-19 in Illinois and on March 16, 2020 issued Executive Orders which closed all schools, governmental offices, non-essential businesses, and ordered all Illinois residents to stay at home, which orders have been extended to May 29, 2020; and,

WHEREAS, the Governor has recently issued a five-phase plan to reopen the state ("*Restore Illinois*"), guided by health metrics with distinct business, education, and recreation activities being expanded in each phase; and,

WHEREAS, the Governor has now issued an order that as of May 29, 2020, the state shall enter phase three of Restore Illinois permitting manufacturing, offices, retail, barbershops and salons to be reopened to the public with capacity limits and other safety precautions providing that gatherings shall be of ten or fewer people and face coverings and social distancing continue; and,

WHEREAS, bars and restaurants which can also be reopened with outdoor seating commencing May 29, 2020; and,

WHEREAS, the Village currently licenses numerous restaurants which do not serve liquor; licenses seven (7) restaurants to serve liquor both indoors and outdoors; and, licenses thirteen (13) liquor licensed establishments which can only serve liquor indoors only; and,

WHEREAS, the Village President and Board of Trustees believe it to be in the best interests of Village restaurants to permit to provide outdoor service including all liquor license holders now licensed for "on premise" consumption pursuant to the West Dundee Municipal Code pursuant to the limitations and within specified areas as hereinafter provided; and,

NOW, THEREFORE, be it ordained by the President and Board of Trustees, Village of West Dundee, Kane County, Illinois as follows:

Section 1: All restaurants within the Village and all holders of Class A, AAA, B, D, F, G, K and L liquor licenses shall be permitted to provide service in any outdoor area subject to the following:

1. The area where service shall be provided shall be owned, leased, or licensed to the licensee.
2. The licensee must provide measures not to interfere with the operations of adjacent business and provide for the safety of its customers.
3. The area to be used must be approved by the Village.
4. The area must be maintained at all times.
5. The restaurant owner must procure general liability insurance for any food service provided out of doors, and holder of a liquor license must have procured general liability insurance and liquor liability insurance to provide service in an outdoor venue, and if any outdoor area which is owned by the Village is used for outdoor food service or by the holder of liquor licenses, such insurance must name the Village as Additional Insured.
6. Limited hours for seating will be from 7AM to 10 PM. All patrons must be out of these areas by 10 PM. No exceptions.
7. Based on previous approvals, The Chubby Bullfrog is allowed to provide outdoor food and alcohol sales and service until 10 PM Sunday through Thursday, and 12 AM on Friday and Saturday nights. No exceptions.
8. For those with liquor licenses, "take out" liquor purchases will be limited to the same closing time of 10 PM.
9. There will be a limit on table & group sizes to 6 people from the same group or family. Standing in these areas is not allowed.
10. Tables should be spaced in order to allow for proper social distancing. A final plan regarding table spacing as submitted to the Village must be adhered to.
11. No open containers of alcohol are to be permitted outside the designated seating area.
12. No smoking in the designated seating area.
13. Customers may order food and drinks as "take out" only and bring it to their tables, or they may be provided table service at the restaurant's discretion.
14. The tables are to be reserved for patrons of bars and restaurants, with no outside food or drinks permitted.
15. Liquor service must be done in conjunction with sit-down food service for the outside areas.
16. Facial covering requirements will not be enforced among groups dining at tables within the seating area, but should be required outside the seating area in accordance with the Governor's Order, and are required to be worn upon entering the establishment to access the outside dining areas or to use the restrooms.
17. Any temporary structures or tents to be used in these areas must submit an application for review and issuance of a no-cost permit to the Village to ensure that all safety standards are met.

18. No outdoor amplification of music is permitted after 8 PM.

Section 3: That the Village President is hereby authorized to grant a license for the use of any Village owned property to a restaurant or any holders of the class of liquor licenses as specified above, but only to the extent the public property is not required by the Village for its use or the use of the public.

Section 4: This authority shall sunset July 14, 2020 unless extended by the President and Board of Trustees, and unless a business possesses a valid Class E outdoor liquor license issued by the Village.


Section 5: That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict repealed.


Section 6: That this Ordinance shall be in full force as provided by law and after publication in pamphlet form pursuant to the authority of the Board of Trustees.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 1st day of June, 2020.

AYES: Trustees Hanley, Yuscka, Anderley, Wilbrandt, Kembitzky and Price
NAYS: None
ABSENT: None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President