

VILLAGE OF NORTH AURORA



VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

May 22, 2020

Executive Order 2020-05-22

**EXECUTIVE ORDER ALLOWING OUTSIDE DINING IN KEEPING WITH
PHASE 3 OF THE GOVERNOR'S RESTORE ILLINOIS PLAN DATED MAY 5, 2020
AS AMENDED**

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and

WHEREAS, Governor Pritzker issued a Disaster Proclamation on March 9, 2020, for the State of Illinois; and

WHEREAS, President Berman issued a Proclamation of a Disaster for the Village of North Aurora, in keeping with world, national and State declarations, on March 19, 2020, which proclamation ends upon the adjournment of the next regularly scheduled meeting of the Village Board pursuant to the authority vested in the President under state law and local ordinance; 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 Illinois Restore 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

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WHEREAS, all regions of the Illinois Restore Plan, including the Northeast Region in which the Village 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 seating 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 Village; and

WHEREAS, Ordinance 20-04-06-02 Acknowledging a State of Emergency in Response to COVID-19 and Extending the State of Emergency for the Village of North Aurora has granted the President all extraordinary power and authority granted pursuant to the Illinois Municipal Code (including 65 ILCS 5/11-1-6) and the North Aurora Municipal Code (including Section 2.48.040) during the state of emergency declared by this Ordinance as may be reasonably necessary to respond to the emergency.

THEREFORE, by the powers vested in me as President of North Aurora, Illinois, pursuant to the Illinois Emergency Management Act (20 ILCS 3305), the Illinois Governor’s Executive Orders, including the Restore Illinois Plan, the Illinois Municipal Code (65 ILCS 5/11-1-6) and North Aurora Ordinance No. 20-04-06-02, I 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 President.
- B. Establishments that are allowed to reopen for outdoor seating with social distancing and safety measures, as allowed by the Restore Illinois Plan that have existing outdoor areas for the consumption of food and drink wanting to expand their current outdoor seating area and establishments seeking to temporarily add outdoor seating areas shall abide by the following:
 1. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.
 2. Establishments shall comply with the Village of North Aurora’s Class "S-O" supplemental outside liquor license provisions.
 3. A physical barrier shall delineate all outdoor dining areas.
 4. The expanded outdoor dining area shall close at dusk. If ample lighting is provided the expanded area shall close no later than 10:00 p.m.
 5. If the expanded dining area is in a parking lot, restaurants may only utilize existing parking spaces located adjacent to the building. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.

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6. Streets, driveways, drive aisles, drive throughs or other means for traffic circulation may not be impeded or blocked.
7. The use of public sidewalks shall be prohibited. Private walkways may be utilized provided there is still means for pedestrian traffic on the remaining portion of the walkways.
8. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances, regulations concerning accessibility and nondiscrimination in the providing of services.
9. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
10. Establishments that do not own their parking lot or other outdoor areas shall secure consent in writing from the property owner or property manager granting permission to use the area for outdoor dining.
11. Establishments within a strip mall, plaza, shopping center or other multi-tenant space shall secure consent in writing from the property manager/owner prior to expanding outdoor dining into common parking, pedestrian, or greenspace areas.
12. No permanent plumbing, electrical, and lighting fixtures shall be installed.
13. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
14. Smoking in the outdoor seating area prohibited.
15. Tables shall be spaced 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.
16. The outdoor seating area shall not disturb the lawful use and quiet enjoyment of nearby properties.
17. Outdoor seating areas shall be open (e.g., no side walls other than the barrier) but may utilize awnings or other secured top coverings.
18. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
19. Live entertainment and electronically amplified music or sound shall not be permitted.
20. Bar areas are prohibited in an expanded outdoor seating area.
21. Outdoor trash receptacles shall be provided and maintained and the outdoor seating area shall be kept free form litter and debris.

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22. No liquor shall be removed in open containers from the outdoor seating area.

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

C. 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 President or superseded by action of the corporate authorities of the Village of North Aurora, whichever is sooner, the expanded use of parking lots or other outdoor areas for temporary outdoor seating shall cease, except as allowed by the North Aurora Code, barriers placed therein shall be removed, and all areas used for temporary outdoor seating shall be returned to their original use.

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



Dale Berman, North Aurora Village President

Filed this 22 day of May, 2020, with the Clerk of the Village of North Aurora.

Acknowledged by the North Aurora Village Clerk 

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