

EXECUTIVE ORDER 2020-04

**AN EXECUTIVE ORDER RELATED TO PROVIDING
ADDITIONAL OUTDOOR SPACE AND EXPANDING LIQUOR
LICENSES TO ASSIST BARS AND RESTAURANTS IN RESPONSE TO
COVID-19 PURSUANT TO VILLAGE OF MUNDELEIN'S MARCH 16, 2020
EMERGENCY DECLARATION**

WHEREAS, pursuant to State law, the Village Mayor has declared a State of Emergency and Illinois Governor Pritzker has issued a Gubernatorial Disaster Proclamation in light of the dangers to public health presented by the spread of the Coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 9, 2020, Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster area; and

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

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency concerning the novel COVID-19 outbreak; and

WHEREAS, on March 13, 2020, Lake County Board Chair Sandy Hart proclaimed that a disaster emergency exists for the County of Lake; and

WHEREAS, on March 16, 2020, the Mayor issued a Proclamation of Local Disaster Emergency for the Village and the Mayor and the Village Board issued a Continuation of Proclamation of Local Disaster Emergency for the Village; and

WHEREAS, the COVID-19 public health crisis and attendant measures taken to protect the public health have created an economic challenge for local businesses including bars and restaurants; and

WHEREAS, since March 16, 2020 at 9 p.m., local bars and restaurants have been prohibited from providing on-premises consumption of food or alcohol; and

WHEREAS, since March 20, 2020 at 5 p.m., local businesses have been prohibited from operating or have operated on a restricted basis; and

Executive Order 2020-04: An Executive Order Related to Providing Additional Outdoor Space and Expanding Liquor Licenses to Assist Bars and Restaurants

WHEREAS, to assist local bars, restaurants, and businesses in the short-term and provide relief with economic challenges while protecting the health and safety of its residents, the Village is taking initiatives to adapt government resources and provisionally amend its Municipal Code, for the current conditions; and

WHEREAS, such assistance shall follow the phasing in Governor Pritzker’s Restore Illinois Plan; and

WHEREAS, when the Restore Illinois Plan requires limited capacity and social distancing in bars and restaurants, the Village shall provide and make available additional outdoor space to assist bars and restaurants; and

WHEREAS, pursuant to Mundelein Village Code Chapter 9.36.040(6) following such a declaration of a Civil Emergency, the Mayor has authority in the interests of the public safety and welfare to order such actions as are reasonably necessary to respond to the emergency; and

WHEREAS, the Mayor, exercising the powers granted pursuant to Mundelein Village Code Chapter 9.36.040(6) and as the Village’s Liquor Commissioner, and following advice of the Village Board, has determined that it is appropriate and in the best interest of the welfare of Village businesses, employees, and patrons to provide additional outdoor space to assist bars and restaurants.

NOW, THEREFORE, BE IT ORDERED by the Mayor, as follows:

SECTION 1: RECITALS. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: PHASE 3, PHASE 4, AND PHASE 5. During Phase 3-Recovery, Phase 4-Revitalization, and Phase 5-Illinois Restored of the Restore Illinois Plan, the Village shall take the following actions:

A. USE OF RIGHT-OF-WAY FOR OUTDOOR SEATING. The Village shall convert those portions of the public right-of-way depicted on Exhibit A, attached hereto and incorporated herein by this reference, upon request from neighboring restaurant owners for additional outdoor seating areas for bar and restaurant use subject to the terms of an agreement, the form of which is substantially set forth in Exhibit B attached hereto and incorporated herein by this reference, a permit application, and an appropriate safety plan.

The Mayor hereby designates the Chief of Police and assigns him the duty of updating and revising those portions of the right-of-way for additional outdoor seating areas for bar and restaurant use and to update Exhibit A accordingly.

Executive Order 2020-04: An Executive Order Related to Providing Additional Outdoor Space and Expanding Liquor Licenses to Assist Bars and Restaurants

B. TEMPORARY USE OF PARKING LOTS FOR OUTDOOR SEATING. The Village shall provisionally waive off-street parking requirements as set forth in Chapter 20.56 of the Municipal Code, Village of Mundelein, Illinois, to allow bars and restaurants to utilize their private parking lots for additional outdoor seating areas upon issuance of a Village permit.

C. TEMPORARY AUTHORIZATION FOR OUTDOOR CONSUMPTION OF ALCOHOL. The Village and the Local Liquor Commissioner hereby proclaim that liquor license holders who currently offer outdoor dining or who are granted a temporary outdoor dining permit may serve alcohol in conjunction with outdoor dining in conformance with their liquor license authorization and any associated Governor's Executive Order and the Illinois Department of Public Health Regulations for Outdoor Dining.

SECTION 3: SAFETY AND ECONOMY. The Village recognizes the need to revitalize the economy in a safe and healthy manner for its residents. Therefore, these initiatives may need to be postponed and/or revised for health and safety reasons. In addition, these initiatives may need to be withdrawn if they are abused or if violations of the Governor's Executive Order 2020-32 32 (or successive Executive Orders or guidelines) occur (such as gatherings of more than 10 people during Phase 2 and Phase 3, social distancing is not maintained, facemasks are not worn, etc.).

This Executive Order shall terminate at such time as the Mayor or Board of Trustees terminates this Executive Order, whichever is sooner.

This Executive Order is approved and effective this 27th day of May, 2020.

By: _____
Mayor

Cc: Village Clerk

Z:\M\Mundelein\COVID-19\Executive Order 2020-04 v2 redline.docx

**EXHIBIT A
RIGHT-OF-WAY FOR OUTDOOR SEATING**



Executive Order 2020-04: An Executive Order Related to Providing Additional Outdoor Space and Expanding Liquor Licenses to Assist Bars and Restaurants

EXHIBIT B
AGREEMENT FOR OUTDOOR SEATING

**ASSUMPTION OF RISK, WAIVER, INDEMNIFICATION, AND
HOLD HARMLESS AGREEMENT**

For and in consideration of being permitted, pursuant to the rules and conditions of the Village, to gain access to and use property owned by the Village of Mundelein to use public ways (all collectively the “Property”):

1. I assume all risk associated with the use of such Property, including but not limited to the risk of property damage and/or personal injury, death, damages or loss which I or any of my employees, agents, customers or members of the public who seek to enter or have entered such Property may sustain as a result of my participation in the use of such Property.
2. I agree to waive and relinquish any and all claims I may have arising out of, connected with, or in any way associated with my use of the Property; and also fully release and discharge the Village, its officers, elected officials, agents, employees, and representatives from any and all claims for property damage and or personal injury, death, damages or loss which may occur in connection with my use of the Property.
3. I agree to fully and completely indemnify and hold harmless the Village, its officers, elected officials, agents, employees, and representatives against any liability, judgment, loss, cost, claim, damage (including consequential damage) or expense (including attorneys' fees and disbursements, settlement costs, consultant fees, investigation and laboratory fees) to which any of them may become subject insofar as they may arise out of or are based upon my use of the Property.
4. I agree to obtain commercially reasonable insurance acceptable to the Village for the use of the Property and agree to name the Village as an additional insured pursuant to the terms of the Permit.
5. Check here if a public way(s) is included as part of the Property: YES NO
If yes, the public way(s) included as part of the Property is:

Check here if Village equipment is included as part of the Property: YES NO
If yes, the equipment (and its replacement value) included as part of the Property is:

I am authorized to sign this Agreement as or on behalf of the permit applicant. I have exercised my own judgement in deciding whether to sign this Agreement. My decision to sign this Agreement was not based on or influenced by any declarations or representations of any officer, elected official, agent, employee, or representative of the Village. I read, fully understand and agree to the above stated conditions of my use of the Property associated with or related to the permit.

Restaurant: _____
Address: _____
Authorized Signature: _____
Print Name: _____
Date: _____, 20__