

ORDINANCE

AN ORDINANCE AUTHORIZING OUTDOOR DINING IN THE VILLAGE OF OAK PARK TO PROVIDE EMERGENCY ASSISTANCE DUE TO THE OUTBREAK OF COVID-19 DISEASE

WHEREAS, the Village of Oak Park ("Village") is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, Section 2-27-9 of the Village Code provides that the Village may "provide emergency assistance to victims in the case of any manmade or natural disaster;" and

WHEREAS, the Village President and Board of Trustees adopted Resolution 20-120 on March 13, 2020 declaring an emergency in the Village due to the outbreak of COVID-19 disease in the State of Illinois through April 6, 2020; and

WHEREAS, the Village Board extended its declaration of emergency in the Village through May 5, 2020 by its adoption of Resolution 20-124 on April 6, 2020; and

WHEREAS, the Village Board further extended its declaration of emergency in the Village through June 1, 2020 by its adoption of Resolution 20-128 on April 27, 2020; and

WHEREAS, State of Illinois Governor JB Pritzker issued a disaster proclamation on March 9, 2020 due to the COVID-19 disease outbreak in the State of Illinois ("Illinois"); and

WHEREAS, Governor Pritzker has issued several executive orders since March 9, 2020 regarding the COVID-19 disease outbreak, including, but not limited to, Executive Order 2020-10 (COVID Executive Order No. 8) requiring all individuals currently living in the State to stay at home or at their place of residence ("Stay at Home Order"), including in Oak Park; and

WHEREAS, Governor Pritzker extended his Stay at Home Order through April 30, 2020 pursuant to Executive Order 2020-18 (COVID Executive Order No. 16) and announced on April 23, 2020 that he would further extend his Stay at Home Order through May 29, 2020; and

WHEREAS, Governor JB Pritzker announced on May 20, 2020 that Illinois restaurants will be allowed open for outdoor dining as soon as May 29, 2020; and

WHEREAS, the Illinois Department of Commerce and Economic Opportunity ("IDCEO") released "Restaurants and Bars for Outdoor Dining Guidelines" ("Guidelines") on May 24, 2020; and

WHEREAS, the President and Board of Trustees have determined to adopt this Ordinance to allow for outdoor dining subject to any further order by Governor Pritzker and the Guidelines issued by the IDCEO to provide emergency assistance as set forth herein.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

Section 2. Authorization for the Village Manager to Allow Outdoor Dining on Village Property. The Village Manager or the Village Manager's designee may authorize the expansion of outdoor seating for Village licensed restaurants upon public rights-of-way, Village streets, and Village owned property subject to the requirements of this Ordinance. The Village Manager or the Village Manager's designee may close Village streets and Village owned parking lots to vehicular traffic and parking for the purposes of allowing outdoor seating for restaurants located in the Village. The Village Manager or the Village Manager's designee is authorized to establish rules and regulations governing outdoor dining pursuant to this Ordinance.

Section 3. Permit Requirement for Outdoor Dining Space on Village Property. A permit shall be required for a restaurant to operate outdoor dining on Village property. No fee shall be required by the Village for such a permit.

Section 4. License Agreement Required. In order to obtain a permit to operate outdoor dining on Village property, a permit applicant must execute a license agreement in which the applicant shall indemnify, defend, and hold harmless the Village for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area. Such license agreement shall be subject to the review and approval of the Village Attorney. An applicant shall provide the Village with a certificate of general liability insurance. The amount of required liability coverage shall be in an amount not less than \$500,000.00 combined single limit per occurrence or \$500,000.00 per occurrence and per aggregate. The Village shall be named as an additional insured on a primary and non-contributory basis. The Village Manager is authorized to execute any and all license agreements pursuant to this Ordinance on behalf of the Village.

Section 5. Current Code Requirements and Regulations to Remain in Effect. All current Village restaurant regulations and Code requirements shall remain in effect subject to any social distancing requirements and other requirements as determined by the State of Illinois or by executive order of the Governor, including, but not limited to, the number of tables, occupancy and seating reduction requirements, and by the rules and regulations established by the Village Manager or the Village Manager's designee as authorized by this Ordinance.

Section 6. No Permit Required for Private Outdoor Dining Space. No Village permit shall be required for private outdoor dining space operated by a Village restaurant and shall be subject to the requirements of Section 5 above.

Section 7. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date and Repeal. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law and shall apply retroactively to March 13, 2020 and shall be repealed of its own accord without further action of the Village Board at 11:59 a.m. on November 15, 2020.

ADOPTED this 28th day of May, 2020, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 28th day of May, 2020.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 28th day of May, 2020.

Vicki Scaman, Village Clerk