

EXECUTIVE ORDER NO. 2020 -- 07

**EXECUTIVE ORDER OF THE VILLAGE PRESIDENT OF OSWEGO
IN RESPONSE TO COVID-19**

(Outdoor Dining)

WHEREAS, the spread of Coronavirus Disease 2019 (COVID-19) has begun to slow in the State of Illinois; and,

WHEREAS, Governor J.B. Pritzker has determined that when a region enters “Phase 3” of his Restore Illinois plan, bars and restaurants within that region will be permitted to partially reopen, with seating of customers limited only to outdoor areas; and,

WHEREAS, Region 1, which includes the Village of Oswego (the “Village”), is expected to enter “Phase 3” on May 29, 2020, and many bars and restaurants within the Village will want to participate in this limited reopening; and

WHEREAS, on May 12, 2020, the Village Board of Trustees of extended my prior declaration of a Local State of Emergency through May 26, 2020, to continue aiding the community during the Governor’s Stay at Home Order; and,

WHEREAS, I previously issued Executive Orders 2020-01 through 2020-06 to facilitate business operations and protect residents during this crisis, including orders pertaining the sale of alcohol off-premises; and,

WHEREAS, I have determined that additional actions are necessary to help bars and restaurants with the transition to outdoor dining during this pandemic emergency;

NOW, THEREFORE, by the powers vested in me as the Village President of the Village of Oswego and as the Local Liquor Control Commissioner, and pursuant to Section 1-6-8 of the Oswego Village Code, Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6), and Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), **I HEREBY ORDER THE FOLLOWING:**

Section 1: As early as May 29, 2020, bars and restaurants within the Village of Oswego may temporarily offer customers food service and seating in outdoor areas adjacent to their buildings,

following the Governor’s regulations for “Phase 3” reopening. If the food service and seating will be contained completely on private property, there is no requirement to obtain a Village permit. However, those establishments must obtain written permission from the property owner to use those areas for that purpose. All bars and restaurants offering outdoor food service and seating must abide by all applicable health and safety regulations, including, but not limited to, the following:

- A. **Occupancy.** New or expanded outdoor operations cannot result in a total occupancy greater than the originally approved occupancy limit for the restaurant.
- B. **ADA Compliance.** No new or expanded outdoor operations shall be placed on a sidewalk unless an accessible path is available. Seating arrangements shall be made in compliance with the Americans with Disabilities Act.
- C. **Life Safety.** At least one 2A10BC rated fire extinguisher shall be provided for the outdoor operations using any number of tents. Points of ingress and egress shall not be blocked for any reason.
- D. **Exterior Supplemental Lighting and Outlets.** Must be connected to a GFCI protected circuit. Do not overload outlets. Protect cords as to eliminate trip hazards. Do not use public outlets for private use.

Section 2: Any bar or restaurant that desires to use Village property for temporary outdoor food service and/or seating as early as May 29, 2020 must apply for a special use permit from the Village. “Village property” shall include sidewalks, roadways, parkways, right of ways, and any other public property owned by the Village. The Village Administrator is authorized to make rules for and approve any number of special use permits for temporary outdoor food service and seating. All permit applicants must agree to abide by the Governor’s regulations regarding outdoor dining and social distancing, and to keep and maintain public areas free of broken glass and debris. All applicants shall also add the Village as an additional insured on the establishment’s insurance policy and shall sign a hold harmless agreement with the Village. Any special use permit granted for this purpose will expire when bars and restaurants are allowed to reopen for indoor dining at regular capacity. No bar or restaurant is allowed to offer food service or seating on public property unless the establishment has first obtained a special use permit pursuant to this Executive Order 2020-07. Title 3, Chapter 2 (Special Events) of the Village Code shall not apply to any establishment operating under a special use permit for temporary food service and seating in outdoor areas.

Section 3: The Village Administrator is authorized to close public ways to allow for outdoor seating and food service. The Village Administrator is also authorized to allow the use of sidewalks, parking spaces, and other Village property for outdoor seating and food service. At the discretion of the Village Administrator, barriers may be provided by the Village to bars and restaurants utilizing the public way or other Village property for outdoor seating. Outdoor seating must not impede the ability of people to use the sidewalk or other Village property nor prevent vehicular traffic from using the roadway, unless otherwise permitted by the Village Administrator.

Section 4: Any establishments that currently hold a permit allowing outdoor food service shall be allowed to continue operating under that permit, provided that the establishments abide by the Governor's regulations regarding outdoor dining and social distancing. Any expansion of previously permitted outdoor food service and seating is also allowed pursuant to the regulations contained within this Executive Order 2020-07.

Section 5: The parking space requirements of Section 12.01(F)(2)(f) of the Village of Oswego Zoning Ordinance are waived for any bar or restaurant establishment that is utilizing its parking lot for temporary food service and seating. This waiver shall not apply, however, to any parking spaces required by the Americans with Disabilities Act.

Section 6: Live or recorded entertainment shall be allowed at all outdoor dining venues at reasonable decibel levels in compliance with the Village noise ordinance. Music must stop at 10:00 p.m. on Sundays through Thursdays, and at 11:00 p.m. on Fridays and Saturdays.

Section 7: The Village's permitting process for the use of tents and other accessory structures (e.g. fences, barricades, etc.) is hereby suspended for restaurants and bars offering outdoor food service and seating. Tents may be used in connection with those outdoor dining venues, but only if they are used in accordance with the following regulations: (1) tents must not have side walls; (2) the maximum tent size shall be 10 feet by 10 feet; (3) no more than seven tents may be used; (4) all tents must be installed per the manufacturer's instructions, including wind warnings; (5) canopies should be easily removed or capable of sustaining high wind speeds; and (6) no stakes shall be driven into the public right of way or other public property.

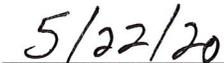
Section 8: Any use of the phrase "on premises" or "on the premises" within Title 3, Section 7 (Alcoholic Beverages) of the Village Code shall be considered to include any outdoor serving and seating area authorized pursuant to this Executive Order. This change will allow any bar or restaurant to serve alcohol in outdoor dining venues, provided that establishment currently holds a Village liquor

license to serve alcohol for consumption. If an agency unaffiliated with the Village requires that an establishment obtain a “beer garden” permit before serving food or alcohol outdoors, the establishment will be given that permit, upon request, by the Local Liquor Control Commissioner. In those limited circumstances, the requirements of Section 3-7-10(F) (“Outdoor Consumption (Beer Gardens)”) of the Village Code shall be waived.

Section 9: Any retail establishment within the Village may create and maintain a merchandise display outside the retail building. The display must be contained on the retailer’s property and/or Village property, including sidewalks and parking lots. The display must not impede the ability of people to use the sidewalk or other Village property. The restrictions under Sections 8-2-8 and 8-2-10 of the Village Code are waived.



TROY PARIER, VILLAGE PRESIDENT



DATE