

**ORDINANCE NUMBER 20 - 21**

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS ADOPTING AND APPROVING THE OUTDOOR DINING REGULATIONS IN EXECUTIVE ORDER 20-4 ISSUED BY THE VILLAGE PRESIDENT UNDER A DECLARATION OF A STATE OF EMERGENCY (COVID-19 – MAY 27, 2020)**

**WHEREAS**, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, on March 23, 2020, the Village President and Board of Trustees adopted Ordinance 20-07 entitled “An Ordinance of the Village of East Dundee, Cook and Kane Counties, Illinois Amending the Village of East Dundee Village Code Authorizing the Village President to Declare a State of Emergency if Needed,” which created Section 33.13(H) of the Village of East Dundee Village Code, authorizing the Village President to declare a state of emergency in the Village pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

**WHEREAS**, on May 27, 2020, the Village President declared a state of emergency in the Village due to the threats to the public’s health, safety and welfare from the COVID-19 pandemic pursuant to the “Declaration of a Continued State of Emergency in the Village of East Dundee, Cook and Kane Counties, Illinois (COVID-19 – May 27, 2020),” attached hereto as **EXHIBIT A** and made a part hereof (“Declaration”); and

**WHEREAS**, on May 27, 2020, the Village President issued Executive Order 20-4 pursuant to the Declaration, entitled “Executive Order Regarding Outdoor Dining Under a Declaration of a State of Emergency in the Village of East Dundee, Cook and Kane Counties, Illinois (COVID-19 – May 27, 2020),” attached hereto as **EXHIBIT B** and made a part hereof (“Executive Order 20-4”); and

**WHEREAS**, pursuant to Section 33.13(H)(2)(h) of the Village of East Dundee Village Code (“Village Code”), the expiration of the Declaration and Executive Order 20-4 shall be no later than the adjournment of the first regular meeting of the Village President and Board of Trustees after the Declaration was issued; and

**WHEREAS**, the Village President and Board of Trustees desire to adopt and extend the outdoor dining regulations in Executive Order 20-4, in order to better protect and preserve the public’s health, safety and welfare with regard to the COVID-19 pandemic;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**SECTION 1: Incorporation.** That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION 2: Adoption and Approval of Executive Order.** That the Village President and Board of Trustees adopt and approve the regulations on outdoor dining in Executive Order 20-4 (“Outdoor Dining Regulations”). The Village Administrator is authorized to modify the Outdoor Dining Regulations from time to time as necessary to protect the public’s health, safety and welfare and to comply with legal requirements, including, but not limited to, State laws, regulations, directives and executive orders. Modifications to the Outdoor Dining Regulations by the Village Administrator shall be distributed to affected businesses.

**SECTION 3: Intent; No Vested Rights.** That the intent of this Ordinance is to provide limited relief from the outdoor dining requirements in the Village of East Dundee Village Code and this Ordinance shall be interpreted to implement this intent. This Ordinance grants no vested rights and no person or entity shall have any claim to vested rights in any relief granted in this Ordinance.

**SECTION 4: Severability.** That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

**SECTION 6: Effect.** That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**ADOPTED** this 1st day of June, 2020 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: None

ABSENT: None

**APPROVED** by me this 1st day of June, 2020.



\_\_\_\_\_  
Lael Miller, Village President

**ATTEST:**

\_\_\_\_\_  
*Katherine Holt*

Katherine Holt, Village Clerk

Published in pamphlet form this 1st day of June, 2020 under the authority of the Village President and Board of Trustees.

Recorded in the Village records on June 4, 2020.

**EXHIBIT A**  
**DECLARATION**  
(attached)

**DECLARATION NO. 20-3**

**DECLARATION OF A CONTINUED STATE OF EMERGENCY IN THE  
VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS  
(COVID-19 – MAY 27, 2020)**

**WHEREAS**, the Village of East Dundee (“Village”) is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

**WHEREAS**, COVID-19, also known as the “coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Cook and Kane Counties; and

**WHEREAS**, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 virus a pandemic; and

**WHEREAS**, on March 10, 2020, the President of the Cook County Board of Commissioners issued a disaster proclamation in Cook County, Illinois related to the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, the President of the Kane County Board of Commissioners issued a disaster proclamation in Kane County, Illinois related to the COVID-19 pandemic; and

**WHEREAS**, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a nationwide emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 52 U.S.C. 5121, *et seq.*, related to the COVID-19 pandemic; and

**WHEREAS**, COVID-19 pandemic is a contagious disease that is likely to cause loss of life, loss of productivity, hardship and suffering to persons residing in or doing business in and around the Village; and

**WHEREAS**, Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides that the corporate authorities of the Village of East Dundee may grant the Village President the extraordinary power and authority to exercise, by executive order during a state of emergency, such of the powers of the Village’s corporate authorities as may be reasonably necessary to respond to the emergency; and

**WHEREAS**, on March 23, 2020, the Village President and Board of Trustees adopted Ordinance 20-07, entitled “An Ordinance of the Village of East Dundee, Cook and Kane Counties, Illinois Amending the Village of East Dundee Village Code Authorizing the Village President to Declare a State of Emergency if Needed,” which

created Section 33.13(H) of the Village Code, which authorizes the Village President to declare a state of emergency in the Village pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

**WHEREAS**, declaration of a state of emergency in the Village is necessary in order to allow the Village to assist in preventing the loss of life and injuries, alleviating damages, loss, hardship and suffering related to the COVID-19 pandemic;

**NOW, THEREFORE, BE IT DECLARED**, under oath by the Village President of the Village of East Dundee, Cook and Kane Counties, Illinois:

**SECTION 1: Incorporation.** That the recitals above shall be and are incorporated in this Section 1 as if restated herein.

**SECTION 2: Declaration of a State of Emergency.** That a state of emergency is declared in the Village of East Dundee, Cook and Kane Counties, Illinois pursuant to Section 33.13(H) of the Village Code.

**SECTION 3: Executive Orders.** That the Village President is authorized to exercise, by executive order, such powers of the Village President and Board of Trustees as the Village President deems reasonably necessary to allow the Village to respond to the emergency.

**SECTION 4: Procedures, Protocols and Regulations Subject to Suspension.** That the Village Administrator shall present requests to the Village President for approval of executive orders described in Section 3 above. Executive orders may address any Village regulations reasonably necessary to allow the Village to respond to the emergency.

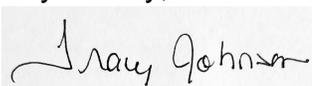
**SECTION 5: Duration.** That the state of emergency declared herein shall expire upon the earlier of (a) the adjournment of the next regular meeting of the Village President and Board of Trustees, which is scheduled for June 1, 2020, or (b) withdrawal of this Declaration by the Village President.

**SECTION 6: Filing.** That this declaration shall be filed with the Village Clerk upon its execution by the Village President.



\_\_\_\_\_  
Lael Miller, Village President

Subscribed and sworn to before me  
this 27th day of May, 2020.



\_\_\_\_\_  
Notary Public



**EXHIBIT B**  
**EXECUTIVE ORDER 20-4**  
(attached)

**EXECUTIVE ORDER NO. 20-4**

**EXECUTIVE ORDER REGARDING OUTDOOR DINING UNDER A  
DECLARATION OF A STATE OF EMERGENCY IN THE VILLAGE OF  
EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS  
(COVID-19 – MAY 27, 2020)**

**WHEREAS**, the Village of East Dundee (“Village”) is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

**WHEREAS**, COVID-19, also known as the “coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Cook and Kane Counties; and

**WHEREAS**, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; and

**WHEREAS**, on May 27, 2020, the Village President declared a state of emergency in the Village in Declaration 20-3, entitled “Declaration of a Continued State of Emergency in the Village of East Dundee, Cook and Kane Counties, Illinois (COVID-19 – May 27, 2020)” (“Declaration”); and

**WHEREAS**, the Declaration was made pursuant to authority granted to the Village President in Section 33.13(H) of the Village of East Dundee Village Code and pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

**WHEREAS**, the Village President has determined that it is necessary to make this Executive Order to best protect the public’s health, safety and welfare regarding the COVID-19 pandemic;

**NOW, THEREFORE, BE IT ORDERED**, by the Village President of the Village of East Dundee, Cook and Kane Counties, Illinois:

**SECTION 1: Incorporation.** That the recitals above shall be and are incorporated in this Section 1 as if restated herein.

**SECTION 2: Executive Order.** That limited outdoor dining is permitted in the Village as set forth in, and to the extent allowed in, the “COVID-19 Restaurant and Bar Outdoor Dining Regulations” attached hereto as **EXHIBIT A** and made a part hereof (“Outdoor Dining Regulations”). The Village Administrator is authorized to modify the Outdoor Dining Regulations from time to time as necessary to protect the public’s health, safety and welfare and to comply with legal requirements, including, but not limited to, State laws, regulations, directives and executive orders. Modifications to the Outdoor Dining Regulations by the Village Administrator shall be distributed to affected businesses.

**SECTION 3: Intent; No Vested Rights.** That the intent of this Executive Order is to provide limited relief from the outdoor dining requirements in the Village of East Dundee Village Code and this Executive Order shall be interpreted to implement this intent. This Executive Order grants no vested rights and no person or entity shall have any claim to vested rights in any relief granted in this Executive Order.

**SECTION 4: Duration.** That this Executive Order shall expire upon the earlier of (a) the Declaration ending or (b) withdrawal of this Executive Order by the Village President.



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Lael Miller, Village President

Date: May 27, 2020

**EXHIBIT A**  
**OUTDOOR DINING REGULATIONS**  
(attached)



# Village of East Dundee

120 Barrington Avenue, East Dundee, IL 60118

(847) 426-2822

[www.eastdundee.net](http://www.eastdundee.net)

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## COVID-19 Restaurant and Bar Outdoor Dining Regulations

*Effective 5.29.2020 Until Further Notice*

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### Introduction

Governor Pritzker has announced that the State of Illinois is on track to move to Phase 3 of the Restore Illinois Plan on May 29, 2020. Under Phase 3, outdoor dining shall be permitted with social distancing and safety guidelines in place. As part of the State's guidelines, businesses are subject to additional regulations on outdoor dining by units of local government. As such, under Village President Miller's Executive Order, the Village of East Dundee has outlined the following Outdoor Dining Regulations which fulfill the following goals:

- Allow for the safe and sensible reopening of outdoor dining at restaurants and bars while slowing the further spread of COVID-19.
- Allow for the expansion of outdoor dining on public property.
- Allow for the expansion of outdoor dining on private parking lots.

Please note, these regulations are subject to change based upon the utilization of the outdoor dining areas and the potential impact on public health. Regulations will be modified as necessary to achieve the aforementioned goals.

For more information, please contact Village Administrator Jennifer Johnsen at [jjohnsen@eastdundee.net](mailto:jjohnsen@eastdundee.net).

### State of Illinois Restaurant and Bar Outdoor Dining Guidelines

<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines3/restaurantbars.pdf>

Adherence to the State's *Restaurants and Bars For Outdoor Dining Guidelines* shall be required as well as any Kane County Health Department guidelines or regulations.

- In order to operate with outdoor dining, restaurants and bars shall be required to meet the *Minimum Guidelines* identified by the State for the following:
  1. General Health
  2. HR and Travel Policies
  3. Health Monitoring
  4. Physical Workspace
  5. Disinfecting/Cleaning Procedures
  6. Staffing and Attendance
  7. External Interactions
  8. Customer Behaviors

- These include but are not limited to the following:
  1. No indoor dining shall be permitted.
  2. Parties/tables shall be limited to 6 persons.
  3. A minimum of 6' between designated customer tables and/or other seating areas shall be required and maintained through the duration of operation.
  4. Customers should wear face coverings over their nose and mouth while on premises, except while eating and drinking at tables.
  5. Employees should wear face coverings over their nose and mouth.
  6. All waiting areas shall be closed.
  7. A reservation or call ahead model shall be implemented if practical.
  8. Employees shall wash hands for 20 seconds every 30 minutes.
  9. Employees should not report to, or be allowed to remain at, work if sick or symptomatic.
  10. Any employee who has had close contact with a co-worker or any other person who is diagnosed with COVID-19 is required to quarantine for 14 days after the last/most recent contact with the infectious individual.
  11. Signage shall be displayed at the entry of the business with face covering requirements, social distancing guidelines, and cleaning protocols (see State's toolkit).

## General Village Guidelines

- Restaurants and bars may resume regular hours of operation for the purposes of resuming outdoor dining only.
- Noise ordinances will be strictly enforced to respond to and address complaints from adjacent property owners and the general public.
- Customers shall not be permitted to gather to wait for tables to open. Those waiting for tables shall be required to wait off premise.
- Customers shall be allowed indoors for use of the restroom or for access to the outdoor dining area only.
- Hostess station shall be placed outside if practical.
- Businesses shall avoid advertising which implies that a party, event, festival, concert, or the like is being held as customers patronizing restaurants and bars are restricted to groups of 6 persons or less.

## Downtown Public Property (For Carryout Only)

- Only the Depot lawn and River Street shall be used for outdoor dining.
- Business interested in utilizing public property must notify Village Administrator Jennifer Johnsen of their intent to participate by email at [jjohnsen@eastdundee.net](mailto:jjohnsen@eastdundee.net).
  - Businesses must obtain a Right-of-Way Service Endorsement, waive all liability and hold the Village harmless for use of River Street or other public property.
  - Proof of general liability and liquor liability insurance extending onto the street shall be required.
- Outdoor dining on public property is for carryout food and drink only.
- Service of food and drink by wait staff will not be permitted on public property.
- Limit one alcoholic drink per person (to comply with happy hour laws).
- All drinks must be in the original package (drinks shall not be poured and carried out).
- No glass shall be permitted on public property.
- Village-owned tables on the depot lawn shall be on a first-come, first-serve basis and shall remain open to the public.
- The public shall not be permitted to gather to wait for tables to open.

- The depot bathrooms shall remain closed.
- No live entertainment shall be permitted. The Village shall provide music over the speakers at the Depot.
- No tents or canopies shall be erected on Village property or private property immediately adjacent to a public street.
- One Police Officer shall be assigned to monitor the public property being utilized for outdoor dining for compliance and safety.

### ***Outdoor Dining on River Street***

- River Street from Barrington to Railroad shall be closed to allow for additional outdoor dining.
- River Street shall be closed on the following days and times:
  - Friday: Noon – 8 p.m.
  - Saturday: Noon – 8 p.m.
  - Sunday: Noon – 8 p.m.
- Hours of operation shall be advertised at the Depot and shall be distributed to customers by participating businesses at the time of taking and receiving a carry out order.
- Table areas will be assigned to businesses by the Village (see Exhibit A) and are subject to change.
  - Table assignments have been reserved for businesses that do not have ample outdoor seating and/or a private parking lot(s) and are located within the downtown.
  - Participating businesses must carry out their own tables onto River Street no sooner than 9 a.m. and remove the tables by 9 p.m. each night.
  - Tables must be clearly marked with the name of the business and indicate that they are available by reservation only.
  - Village-owned tables shall not be moved onto River Street.
  - Businesses shall be required to take and maintain reservations to prevent gatherings and lines of customers. Those waiting for tables shall be required to wait offsite.
- Public Works shall close the Street at 9 a.m. on Friday and the Police Department shall open the Street at 9 p.m. on Sunday night.
- Public Works shall provide additional garbage cans and collection as necessary.

### **Private Parking Lots and Public Parking Spaces (Dine In)**

- Businesses with dedicated and paved parking lots shall be permitted to utilize these lots for additional outdoor dining.
- Businesses shall be permitted to utilize adjacent public parking spaces approved by the Village Administrator for additional outdoor dining.
- All on-site parking requirements shall be waived.
- Businesses are encouraged to work with adjacent and nearby property owners to accommodate realistic parking needs and must provide parking guidance to their customers.
- Businesses must notify Village Administrator Jennifer Johnsen of their intended use of a private parking lot or public parking space in advance and email a map and table layout to [jjohnsen@eastdundee.net](mailto:jjohnsen@eastdundee.net).
- Parking Lot and Parking Space Layout Requirements
  - Each table space must be at minimum 15' x 15' and ensure 6' social distancing guidelines.
  - Through traffic shall not be permitted in any portion of the parking lot reserved for tables.
  - Safety barriers and other measures may be required to ensure the separation of vehicles and pedestrians.

- No more than 50% of the total parking area shall be utilized for dedicated table spaces.
- No more than 20 tables shall be permitted on any private parking lot.
- Businesses seeking to erect a tent or canopy on private parking lot will be required to secure a tent permit.
- Proof of general liability, workers compensation and liquor liability insurance extending into the private parking lot or public parking space shall be required.
- Businesses will be required to take and maintain reservations.
- The Police Department will perform routine inspections to ensure compliance with State and Village guidelines.

## **Caboose Concession Stand**

- The outdoor dining at the caboose may resume under these regulations.
- Customer ordering and pick-up shall occur in an area at least 6' from dining customers and all others.
- Customers waiting in line shall maintain a distance of 6' apart.
- The Village's parking lot immediately west of the Caboose shall not be utilized for outdoor dining.

## **Penalties**

- Businesses that do not strictly adhere to these Outdoor Dining Regulations shall be subject to fine or other enforcement matters.

**EXHIBIT A**

**RIVER STREET  
EMERGENCY OUTDOOR DINING EXPANSION**

River Street Emergency Outdoor Seating Expansion			
		TABLE Mocking Bird	
	TABLE Mocking Bird		TABLE Mocking Bird
TABLE Mocking Bird		TABLE Mocking Bird	
	TABLE Diamond Jims		TABLE Uncommon Palate
TABLE Diamond Jims		TABLE Uncommon Palate	
	TABLE Diamond Jims		TABLE Uncommon Palate
TABLE Diamond Jims		TABLE Uncommon Palate	
	TABLE Alianos		TABLE Uncommon Palate
TABLE Caboose		TABLE Alianos	
	TABLE River Street		TABLE Alianos
TABLE Caboose		TABLE Alianos	
	TABLE River Street		TABLE Alianos
TABLE Caboose		TABLE Calendos	
	TABLE River Street		TABLE Calendos
TABLE Caboose		TABLE Calendos	
	TABLE River Street		TABLE Calendos
TABLE Caboose		TABLE Calendos	
	TABLE River Street		

<b>Total Tables</b>	<b>34</b>
<b>Mocking Bird</b>	<b>5</b>
<b>Uncommon Palate</b>	<b>5</b>
<b>Alianos</b>	<b>5</b>
<b>Calendos</b>	<b>5</b>
<b>Diamond Jims</b>	<b>4</b>
<b>Caboose</b>	<b>5</b>
<b>River Street Tavern</b>	<b>5</b>

**Notes:**

One Square = 15'x15'

Need to accommodate spaces for Nonno's when they open for business.

Diamond Jims also has Village apron ROW in front of their building.

Spaces provided to businesses that do not currently own a parking lot or significant outdoor seating area.