

AGENDA
SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
THURSDAY, MAY 28, 2020 – 7:00 P.M.

REMOTE ONLY MEETING

LINK TO JOIN ZOOM MEETING:
<https://us02web.zoom.us/j/89311143908>

PHONE DIAL-IN OPTION:
DIAL (312) 626-6799 MEETING ID: 893 1114 3908 #

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENT**
- IV. ORDINANCE 21-01 - AN ORDINANCE ADOPTING TEMPORARY REGULATIONS FOR OUTDOOR DINING AT RESTAURANTS**
- V. ADJOURNMENT**

ORDINANCE NO. 21-01

**AN ORDINANCE ADOPTING TEMPORARY REGULATIONS
FOR OUTDOOR DINING AT RESTAURANTS**

WHEREAS, Governor J.B. Pritzker declared a state of emergency in the State of Illinois in March, 2020, due to the COVID-19 pandemic; and

WHEREAS, certain executive orders have been issued by Governor Pritzker pursuant to authority reserved to his office under the Emergency Management Agency Act; and

WHEREAS, under the terms of the aforesaid executive orders, restrictions are now in place and have been in place since March 2020 restricting restaurants and bars to curbside service only; and

WHEREAS, Governor Pritzker has announced a 5 phase Restore Illinois plan for the reopening of various business establishments within the State; and

WHEREAS, it is anticipated that upon the expiration of Governor Pritzker's Executive Order 20-33 on May 29, 2020, Restore Illinois Health Region 2 (North-Central) will move to phase III of the Restore Illinois plan; and

WHEREAS, Governor Pritzker has announced that during phase III of the Restore Illinois plan, outdoor dining shall be permitted at restaurants and bars subject to restrictions imposed by state and local authorities; and

WHEREAS, the Village of Morton has previously adopted rules and regulations for liquor license holders governing outdoor areas where a liquor license holder holding a Class E, Class F, or Class I can serve alcoholic beverages for consumption on the premises; and

WHEREAS, it is unlawful for any business to serve or allow to be consumed alcoholic liquor at an outdoor drinking or seating area without first obtaining a Class E, Class F, or Class I liquor license from the Village of Morton; and

WHEREAS, the Village Board of the Village of Morton desires to amend limitations on the number of available Class E, Class F and Class I liquor licenses, and further desires to adopt procedures to expedite the award of Class E, Class F, and Class I liquor licenses within the Village of Morton; and

WHEREAS, the Village of Morton has not adopted substantial rules and regulations governing the service of food not accompanied by the service of alcoholic beverages within the Village of Morton; and

WHEREAS, the Department of Commerce and Economic Opportunity has adopted guidelines for the operation of outdoor dining or drinking areas; and

WHEREAS, the Village Board of the Village of Morton desires to adopt local rules and regulations on outdoor dining within the Village of Morton, which regulations shall be effective during the duration of the Gubernatorial State of Emergency

WHEREAS, pursuant to 65 ILCS 5/1-2-4, the Board of Trustees find that this ordinance contains emergency measures which require urgency in their adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, as follows:

SECTION 1: For the purposes of this ordinance, an Outdoor Dining or Drinking Area means (a) an outdoor space connected to or located on the site of a restaurant or other similar establishing offering ready to eat food for sale for consumption on the premises which meets

all requirements of this ordinance, or (b) an indoor space where fifty percent (50%) or more of a wall can be removed via the opening of windows, doors, or panels provided that such indoor space meets all applicable Tazewell County Health Department requirements and further provided all dining tables are within eight (8') feet from such openings.

SECTION 1: In addition to the Class E, Class F, and Class I licenses authorized to be issued under the limitation imposed in Section 3-8-6 of the Morton Municipal Code, the Local Liquor Control Commissioner shall be authorized to issue temporary Class E, Class F or Class I liquor licenses to eligible applicants. The aforesaid temporary licenses shall be valid until July 31, 2020. The fee for a temporary Class E, Class F or Class I shall be twenty dollars (\$20.00).

SECTION 2: The Local Liquor Control Commissioner shall approve or deny an application for a temporary Class E, Class F or Class I liquor license within seven (7) days after the submission of an application

SECTION 3: The following rules and regulations shall apply to outdoor dining areas in which alcoholic beverages are **NOT** served for consumption on the premises:

- A. Permit Required: Any business which desires to provide an outdoor dining area which did not have in place an outdoor drinking or dining area prior May 20, 2020, shall be required to obtain a permit before operating on outdoor dining area.
- B. Location: Outdoor dining areas shall be located either (a) on land owned or leased by the business, including land adjacent or contiguous to the business premises owned or leased by the business or (b) on publicly owned sidewalk immediately adjacent to the business. Outdoor dining areas on publicly owned sidewalks shall not encroach upon required ADA access to any business premises. Further, an unobstructed publicly

owned sidewalk of at least five (5') in width shall be maintained. An outdoor dining area shall not extend onto the publicly owned sidewalk beyond the bounds of the façade of the business which is providing the outdoor dining area. Outdoor dining areas in off-street, private, parking lots shall be located in a manner which preserves a pathway for vehicular travel in to and out of the off-street parking lot of not less than twenty (20') feet in width.

- C. Fencing/Enclosures: An outdoor dining area which is located on a publicly owned sidewalk shall be enclosed by a fence or other similar enclosure of a height of at least three (3') feet. An outdoor dining area which is located at any other location need not be enclosed by a fence or other enclosure.
- D. Ingress/Egress: Patrons shall enter and exit at a point designated by the Village of Morton directly into the outdoor dining area via an entrance with frontage to a public street. Ingress and egress to the interior of the business shall be limited to necessary entry for patrons to utilize restroom facilities. Patrons waiting for restroom facilities shall maintain social distancing of not less than six (6') feet. Signage shall be installed by the business to direct patrons to the designated entrance/exit for the outdoor seating area. Other than a walkway to the restrooms and to an exit, interior portions of the business shall be blocked off with rope, tape, or other obstructions to indicate such facilities are closed to patrons. Businesses shall provide a hostess or other employee at the entrance to the outdoor dining or drinking area to regulate access of patrons and ensure occupancy does not exceed the limits established by this ordinance.

- E. Tents: In the event a tent is to be used by a business in connection with its outdoor dining area, the business shall first obtain a permit from the Fire Chief. Such tent shall comply with all requirements of the 2015 International Fire Code. No tent utilized in connection with the operation of an outdoor dining area may have enclosed sides which encompass more than fifty (50%) percent of the perimeter of the tent.
- F. Occupancy limitations: Occupancy shall be limited in outdoor dining areas to a maximum of one person per fifteen (15) net square feet. Net square feet of an outdoor dining area shall be calculated without including square footage within which patrons are not permitted to congregate. Tables within the outdoor dining area shall be placed at least six (6') feet apart. Parties of greater than six people shall not be permitted in outdoor dining areas.
- G. Smoking Prohibited: Smoking shall not be permitted in outdoor dining areas.
- H. Waiting to be Seated: Patrons waiting to be seated shall wait outside of the business premises, while maintaining social distancing.
- I. Severe Weather: Outdoor dining areas shall not be used during severe weather events, which shall include thunderstorms, excessive winds, and other similar weather events, or when severe weather events are reasonably forecasted to occur (such as when a severe weather warning has been issued by the National Weather Service).
- J. Wait Staff Required: Businesses with outdoor dining areas shall utilize wait staff to provide service in the outdoor dining area.
- K. Animals: No animals shall be permitted in outdoor dining areas except service animals.
- L. Trash Receptacles: Trash receptacles shall be provided within the outdoor dining area.

M. Noise: No amplified sound or music nor any live entertainment shall be permitted in the outdoor dining or drinking area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village

N. Applicability to Existing Outdoor Dining Areas: Any business which had an outdoor dining area on May 20, 2020, shall be permitted to utilize the existing outdoor dining area without obtaining a permit under this ordinance. If however any business with an existing outdoor dining area on May 20, 2020, which intends to enlarge the outdoor dining area shall first obtain a permit from the Village of Morton pursuant to this ordinance.

SECTION 4: The following rules and regulations shall apply to outdoor dining or drinking areas in which alcoholic beverages are served for consumption on the premises:

A. Liquor License Required: Alcoholic beverages shall not be served, offered for sale, or consumed in any outdoor dining or drinking area except upon the premises of a business which holds a valid Class E, Class F or Class I liquor license issued by the Village of Morton.

B. Conflict of Laws: All holders of Class E, Class F, or Class I liquor licenses must follow the Morton Municipal Code, including the regulations of Chapter 8 of Title 3, **AND** all regulations imposed under the terms of this ordinance. In the event of a conflict between the provisions of this ordinance and the regulations imposed under the Morton Municipal Code, the provisions of this ordinance shall control for so long as this ordinance is effective.

- C. Open Containers Prohibited Indoors: Patrons shall not be permitted to possess open containers of alcoholic beverages within the interior portions of the business premises.
- D. Extension of Existing Permitted Outdoor Dining or Drinking Areas: Any business which held a Class E liquor license on May 20, 2020, which intends to expand its outdoor dining or drinking area must obtain the approval of the Village of Morton to expand or enlarge the outdoor dining or drinking area.
- E. Location: Outdoor dining or drinking areas operated by a liquor license holder shall meet the location requirements of the Morton Municipal Code.
- F. Fencing/Enclosures: Notwithstanding any provision in the Morton Municipal Code to the contrary, outdoor dining or drinking areas operated by a business holding a Class E, Class F or Class I liquor license shall be enclosed by a fence of at least four (4') feet in height which is sufficient to control access to the outdoor dining or drinking area. The fencing need not be constructed in a manner which effectively prevents the passing of alcohol to the outside of the outdoor dining or drinking area.
- G. Size Restrictions: The size restrictions contained in the Morton Municipal Code for outdoor eating, drinking or seating areas shall not apply to Class E, Class F or Class I licenses awarded pursuant to the provisions of this ordinance.
- H. Ingress/Egress: Patrons shall enter and exit at a point designated by the Village of Morton directly into the outdoor drinking or dining area via an entrance with frontage to a public street. Ingress and egress to the interior of the business shall be limited to necessary entry for patrons to utilize restroom facilities. Patrons waiting for restroom facilities shall maintain social distancing of not less than six (6') feet. Signage shall be

installed by the business to direct patrons to the designated entrance/exit for the outdoor seating area. Other than a walkway to the restrooms and to an exit, interior portions of the business shall be blocked off with rope, tape, or other obstructions to indicate such facilities are closed to patrons. Businesses shall provide a hostess or other employee at the entrance to the outdoor dining or drinking area to regulate access of patrons and ensure occupancy does not exceed the limits established by this ordinance.

- I. Tents: In the event a tent is to be used by a business in connection with its outdoor dining or drinking area, the business shall first obtain a permit from the Fire Chief. Such tent shall comply with all requirements of the applicable International Fire Code. No tent utilized in connection with the operation of an outdoor dining or drinking area may have enclosed sides which encompass more than fifty (50%) of the perimeter of the tent
- J. Occupancy limitations: Occupancy shall be limited in outdoor dining or drinking areas to a maximum of one person per fifteen (15) net square feet. Net square feet of an outdoor dining or drinking area shall be calculated without including square footage within which patrons are not permitted to congregate. Tables within the outdoor dining or drinking area shall be placed at least six (6') feet apart. Parties of greater than six people shall not be permitted in outdoor dining or drinking areas.
- K. Smoking Prohibited: Smoking shall not be permitted in outdoor dining or drinking areas.
- L. Waiting to be Seated: Patrons waiting to be seated shall wait outside of the business premises, while maintaining social distancing.
- M. Severe Weather: Outdoor dining or drinking areas shall not be used during severe weather events, which shall include thunderstorms, excessive winds, and other similar

weather events, or when severe weather events are reasonably forecasted to occur (such as when a severe weather warning has been issued by the National Weather Service).

- N. Wait Staff Required: Businesses with outdoor dining or drinking areas shall utilize wait staff to provide service in the outdoor dining or drinking area.
- O. Animals: No animals shall be permitted in outdoor dining areas except service animals.
- P. Trash Receptacles: Trash receptacles shall be provided within the outdoor dining area.
- Q. Noise: No amplified sound or music nor any live entertainment shall be permitted in the outdoor dining or drinking area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village
- R. Applicability to Existing Outdoor Dining or Drinking Areas: All Class E, Class F and Class I license holders shall be obligated to comply with the terms of this ordinance, including license holders who held a valid license on May 20, 2020. Before an existing Class E, Class F or Class I license holder may operate pursuant to the provisions of this Ordinance, such license holder shall have its premises inspected for compliance with the provisions of the Morton Municipal Code and of this Ordinance. Satisfactory completion of this mandatory inspection shall be required for existing Class E, Class F and Class I license holders who desire to operate during the period of time in which this ordinance is effective.

SECTION 5: This ordinance shall be in full force and effect at 10:00 am on May 29, 2020.

This ordinance shall expire on July 31, 2020.

SECTION 6: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this _____ day of _____, 2020; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2020.

President

ATTEST:

Village Clerk