

AGENDA

REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON MONDAY, JUNE 8, 2020, AT 5:30 P.M. AT THE VILLAGE HALL, 835 MIDWAY DRIVE, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

DUE TO THE COVID 19 PANDEMIC THE VILLAGE OFFICES WILL BE CLOSED AND THE VILLAGE WILL BE UTILIZING A CONFERENCE CALL FOR THIS MEETING.

THE PUBLIC CAN UTILIZE THE FOLLOWING CALL IN NUMBER:

Dial in Phone Number: 630-920-2488

Code ID: 012153 #

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – March 9, 2020 (Approve)
4. DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses
5. DISCUSS – Proposed Text Amendments to Section 9-12-10 Temporary Uses, Section 9-6-1 External Temporary Uses, Parking Requirements 9-10-5
6. DISCUSS – Liquor License Fee Prorations – Section 3-12-7
7. COMMITTEE REPORTS
8. VISITOR'S BUSINESS
(Public comment is limited to three minutes per person)
9. ADJOURNMENT

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, MARCH 9, 2020 AT 5:30 PM AT THE WILLOWBROOK VILLAGE HALL, LOWER LEVEL CONFERENCE ROOM, 835 MIDWAY DRIVE, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Chairman Trustee Kelly called the meeting to order at the hour of 5:30 pm.

2. ROLL CALL

Those present at roll call were: Chairman Trustee Terry Kelly, Trustee Gayle Neal, Trustee Umberto Davi.

Also present were Assistant Village Administrator Michael Mertens, Building Official Roy Giuntoli, and Village Attorney Thomas Bastian.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting February 10, 2020

Chairman Trustee Kelly requested several Scribner changes to the draft meeting minutes.

MOTION: Motion Made by Trustee Davi to approve the minutes with Scribner changes from the February 10, 2020 second by Trustee Neal, and all in favor.

MOTION DECLARED CARRIED

4. DISCUSSION – An Ordinance Amending Section 4-2-21 Entitled “Building Code Adopted” and Section 4-2-28 Entitled “Fire Code Adopted” of Chapter 2 Entitled “Building Code” of Title 4 Entitled “Municipal Services” of the Village Code of Ordinances of the Village of Willowbrook, DuPage County, Illinois (Code Amendment Regarding Commercial Building Material Standards -Recommend to the Village Board for Consideration on March 9, 2020)

Assistant Village Administrator Mertens provided an overview of the Building Code Amendments. He then passed the item to Building Official Giuntoli for a review of the specific changes made to the proposed Building Code Amendments. The first matter that needed additional attention was that there were sections that did not include punctuation, a period, at the end of each new sentence, and that the affected sections were revised accordingly. Secondly, Building Official Giuntoli stated that it was brought to his attention that portions of the Fire code section, as initially proposed, possibly afforded Tri-State Fire Protection District (TSFPD) ultimate approval authority. Building Official Giuntoli reviewed the issue with Larry Link, Director of Fire Protection at TSFPD. Mr. Link agreed to alterations

to reduce the ultimate approval authority. The section was revised to reflect the proposed changes. Village Attorney Bastian stated that with this updated code language, TSFPD's code cannot supersede the Village's Code. Staff was looking to the Law & Ordinance committee members for recommendation to forward this matter to the Village Board following this Committee.

MOTION: Motion Made by Trustee Davi to approve as presented, second by Trustee Neal, all in favor.

MOTION DECLARED CARRIED

5. DISCUSSION – An Ordinance Amending Title 3 Entitled “Business Regulations” of the Village Code of Ordinances by Adding Chapter 22 Entitled “Retail Sale of Dogs, Cats and Rabbits” (Provide feedback to Staff)

Assistant Village Administrator Mertens stated that this was a matter that many Municipalities and Counties have been contemplating. Commonly referred to as the “Puppy Mill Ordinance,” producing animals for the purpose of selling the animals, with little or no concern for the well-being of the animal. The proposed ordinance included other animals subject to this cruel behavior, including cats and rabbits. DuPage County and Downers Grove have recently passed similar ordinances. Currently there are no Willowbrook businesses that this would affect. The Willowbrook Petco only adopts rescue animals. This ordinance is not intended to prohibit amateur home hobbyist from breeding their pets. The draft ordinance includes definitions, restrictions, and fine structures.

Trustee Davi stated since Willowbrook currently has no pet stores selling dogs, cats, or rabbits, he is in favor of the proposed changes. Trustee Neal stated that people had initially thought that the Willowbrook Petco would be selling puppy mill dogs, but it does not. Village Attorney Tom Bastian stated that State Bill 2280 died in session and this ordinance is the Willowbrook version of what the state did not pass. The Committee questioned if a person was doing this in a residence, is a Business License required? Building Official Giuntoli stated, Yes, the current ordinance defines what is allowed in any home business operation. For example, a home-based business cannot increase the traffic to a neighborhood. Village Attorney Bastian stated that there is a current Village ordinance that limits the number of pets to three (3) per residence.

Trustee Neal stated, this a feelgood ordinance and we should proceed with the proposal. If negative feedback occurs, the ordinance can be amended. Trustee Davi agreed that this required little added thought, it was acceptable as proposed and can be amended later if needed.

Assistant Village Administrator Mertens asked if it was okay to bring this matter to a future Village Board meeting for final consideration. The Committee Board concurred with that request.

6. COMMITTEE REPORTS

Extension and Expiration of Building Permits: Assistant Village Administrator Mertens asked Building Official Giuntoli for an update. Building Official Giuntoli stated that there were no updates. We had received responses from only two other Villages. Staff shall follow up with the other Villages.

A Topic from a past meeting was brought up by Trustee Kelly regarding Buffalo Boxes (B-Boxes) tampering. Trustee Kelly stated staff should look at current ordinances to see what can be done to tighten them up and to hold all parties responsible for tampering with the b-boxes. Assistant Village Administrator Mertens stated currently citations can only be issued to contractor. Staff researched a B-Box lock option, however, none are available that truly meet the challenge. Trustee Neal stated a form should be created to provide to a violator, so that they become the person responsible for this matter. Village Attorney Bastian discussed what could be on the document. Building Official Giuntoli stated Public Works does that shut off service. This matter should be discussed at the Municipal Services Committee meeting. Typically, a Public Works employee receives the shut off order from Public Works coordinator, they perform the work, and leave – making no contact with anyone.

Trustee Davi stated he did not have a report.

Trustee Neal provided a report on Village Code Chapter 9, Hotel/Rooming Houses. She also used Burr Ridge as a comparison and added that we can possibly insert some of the best practices into our Village code. She highlighted that other villages were using other ordinances (sanitation, licensing, repair) to write up violations.

Trustee Neal asked if timelines are provided to hotels during site inspections for violation repairs. Building Official Giuntoli advised yes, but a space is not actually provided on the form, but it could be altered to indicate that information.

Village Attorney Bastian asked, if a Notice of Violation (NOV) is provided to a violator, do we give them a timeline for repairs and if not completed, do we issue a citation? Building Official Giuntoli stated that the timeline depends on the severity of the violation, anywhere from hours to a month. Typically, a citation is not issued until multiple unaddressed violations occur. Currently the Village does inspections reactively not proactively. The Village does not perform annual property maintenance inspections at this time. The Committee was advised that tickets can be issued for non-compliance. Building Official Giuntoli asked Trustee Neal if there was an interest in considering annual or bi-annual inspections of all the hotels? Trustee Neal would like to consider annual inspections along with the Tri-State Fire

Protection District and possibly including the fees as part of their annual license. Building Official Giuntoli stated there are costs to inspecting all these facilities, approximately \$400.00 (amount includes 1-first inspection and 2-re-inspections), additional re-inspections are \$100.00 per inspection. Karyn Byrne, our current Code Enforcement Officer, is usually included in these inspections as she can write the ticket and go to court as the witness for the violations.

7. VISITOR'S BUSINESS

NONE

8. ADJOURNMENT

Trustee Davi made a motion to adjourn, seconded by Trustee Neal. All in favor. The meeting adjourned at 6:15 pm

PRESENTED, READ and APPROVED

_____, 2020

CHAIRMAN

Minutes transcribed by
Roy A. Giuntoli, Building Official

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSS – Code Enhancements for Chapter 9 Hotels – Rooming Houses

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date: June 8, 2020

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND:

At the March 9, 2020 Law and Ordinances Committee meeting, Trustee Neal provided an overview of the current Village of Willowbrook Building Code as it relates to Hotel/Motels. Trustee Neal advised the Committee that most of the code dates to 1970 with various minor updates occurring in 1978, 1984, 1985 and 2005. Trustee Neal recommended that the Village consider reviewing the code to make sure the code utilizes the best practices applied within the industry, including but not limited to yearly inspections for property maintenance, health, and sanitation related issues.

STAFF RECOMMENDATION:

The attached redline document highlights the possible updates to the Building Code. The proposed enhancements aim to standardize the code language with comparable community practices with a focus on health, sanitation, and yearly inspections of properties. Staff is seeking feedback on the code update concepts. Upon consensus from the Committee staff will work with the Village Attorney on a final draft formal consideration and recommendation from the Committee.

WILLOWBROOK

Chapter 9

MOTELS / HOTELS; ROOMING HOUSES – Title Change to Remove “Rooming Houses”

3-9-1: DEFINITIONS:

For the purposes of this chapter, the words and terms given below are defined as follows:

Proposed Replacement:

The term "motel and hotel" as used in this section shall be construed to mean any establishment consisting of a group of attached or detached rooms, located on a single zoning lot or contiguous or adjoining zoning lots comprising one single plot of land, which is kept, used, maintained, advertised or held out to the public to be a place where lodging or lodging and food, or apartments or suites or other sleeping or housekeeping units, with or without self-contained kitchen facilities, are offered for hire or rent to travelers and guests, whether transient, permanent or residential. These facilities may be described as motor or other similar names denoting that accommodations are available primarily for transient guests.

Current Language to be Replaced:

~~HOTEL: Any building or structure used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation for more than twelve (12) guests.~~

~~MOTEL: Any building or structure used for lodging the public, especially transients, where sleeping or lodging accommodations, with or without meals, are furnished for compensation, which provides the guests and lodgers thereof ready access to their automobiles or other motor vehicles. (Ord. 70-O-4, 2-23-1970)~~

3-9-2: BUILDING CODE APPLICABLE:

Notes: Currently the wording is from (Ord 70-O-4,2-23-1970) I believe this should be updated to reflect Codes for 2020

Roy do we need to update, other than define Rooming Houses or remove the term as an outdated term?

No building hereafter constructed shall be used as a hotel, lodging house or rooming house and no building or portion thereof not now so used shall be converted into or used for a hotel or motel unless in addition to the provisions hereof, it conforms to the requirements of the Building Code of the Village. (Ord. 70-O-4, 2-23-1970)

3-9-3: LICENSE REQUIRED:

Proposed Replacement:

It shall be unlawful for any person to conduct, keep, manage, or operate a motel, as defined herein without complying with all of the provisions of this Chapter and without first having obtained a license therefor. Such license shall be issued only to persons of good moral character and any person who shall have been found guilty by a court of competent

jurisdiction of any offense denoting moral turpitude is to be presumed, prima facie, to be of bad moral character. The license year shall be from January 1st to December 31st.

Current to be Replaced:

~~No person shall engage in the business of operating a hotel or motel within the Village without first obtaining a license therefor. (Ord. 70-O-4, 2-23-1970)~~

3-9-4: LICENSE APPLICATION:

Proposed Addition:

Each applicant for a license to operate or maintain a motel / hotel shall file an application with the Village Clerk stating therein the name and address of the owner, name and address of the manager, assistant manager, if any, or desk clerk or clerks or any other person or persons having charge of the operation of the premises; location of the motel / hotel, the number of rooms to be available; the maximum number of persons and vehicles to be accommodated; and whether or not kitchen facilities are afforded and if so, the number and location of each such unit. Unless the same shall have been previously presented and approved, this application shall be accompanied by plans of the motel drawn by a licensed architect, showing the proposed or existing locations of all buildings, rooms, fire escapes, stairs, windows, toilets, type of heating, sewer connections, driveways and other improvements.

Current Language to be Modified:

~~Application for a hotel or motel license shall be made and license shall be issued as hereinbefore provided. With the application shall be filed a plan of each floor of the building proposed to be used as a hotel or motel, drawn to a scale of not less than one-fourth inch ($\frac{1}{4}$ ") to the foot, showing all fire escapes, stairs, halls, the location and size of all windows, bedrooms and exits on each floor, and indicating the number of persons proposed to be accommodated on each floor and the number of persons to be housed in each room. (Ord. 70-O-4, 2-23-1970)~~

The application filed shall be referred to the ~~Director of Municipal Services~~ **Building Official** who shall cause investigation to be made to determine whether the building or premises in which such hotel or motel or rooming house is to be operated complies to the requirements of this Code in regard to construction, sanitation and public health and safety. If the ~~Director of Municipal Services~~ **Building Official** approves the application, license shall be issued upon payment of the prescribed fee. (Ord. 78-O-20, 4-24-1978; amd. Ord. 85-O-11, 3-25-1985; Ord. 05-O-32, 11-14-2005)

3-9-5: LICENSE FEES:

Proposed Additional Language:

The annual fee for a hotel / motel shall be as set forth in section 3-1A-1 of this title. **The License Fees shall include two mandatory inspections a year per property. Correction notices that are not abated are subject to citations and fines per occurrence. Licenses are subject to revocation for failure to cure violations via Village Board Public Hearing process.** (Ord. 70-O-4, 2-23-1970; amd. Ord. 75-O-41, 12-17-1975; Ord. 84-O-30, 6-25-1984)

3-9-6: INSPECTION:

Notes for Building Departement

The current Inspection Record Slip, appears to be dated 2016, should have an additional line or box at the bottom of the form with a date the inspection items need to be corrected by.

Proposed Modification:

Once each year, or more often if it is deemed advisable, the ~~Director of Municipal Services~~ **Building Official** shall cause each hotel / motel to be inspected to determine whether the provisions of this chapter as to sanitation, fire prevention and public health and safety are being complied with. (Ord. 70-O-4, 2-23-1970; amd. Ord. 78-O-20, 4-24-1978; Ord. 85-O-11, 3-25-1985; Ord. 05-O-32, 11-14-2005)

3-9-7: PREMISES REQUIREMENTS: No Changes

- (A) Basement: No hotel or motel shall use or permit the use of a basement or any part thereof for lodging or rooming purposes.
- (B) Ventilation: No room in any hotel or motel shall be occupied as a sleeping room by any human being unless there are at least four hundred (400) cubic feet of air space, exclusive of wardrobe and closet space for each person occupying such room.
- (C) Bathrooms And Toilets: In every hotel, bath and toilet facilities shall be provided on each floor; toilets shall be provided in the ratio of at least one to every ten (10) occupants or fraction thereof.

In every motel, bath and toilet facilities shall be provided in each unit of said motel.

- (D) Light Housekeeping: No person operating any hotel shall permit the cooking or preparation of food or meals or the storage of foodstuffs in any room used for sleeping purposes; light housekeeping, so called, shall not be permitted in any such sleeping rooms. (Ord. 70-O-4, 2-23-1970)

3-9-8: ACCESSORY BUILDINGS: No Changes

No accessory building shall be used for hotel or motel purposes. (Ord. 70-O-4, 2-23-1970)

3-9-9: NUISANCE DECLARED: No Changes

The maintenance or use of any building or structure or portion thereof in violation of any provision of this chapter or of the Building Code shall constitute a nuisance and may be abated as such. (Ord. 70-O-4, 2-23-1970)

3-9-10. PENALTIES: New Section and Language

- a. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$750.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.
- b. Termination, Revocation, or Suspension of License.

In addition to any other penalty herein imposed for violation of any provision of this Chapter, the Village Board shall have the right to terminate, revoke, or suspend any license granted under the provisions of this Chapter; provided, however that no suspension, termination, or revocation of a license shall take place until after notice of such violation has been given to the motel owner or manager, and a public hearing afforded at a time and place to be fixed by the Village Board.

(a) The notice required by this section shall:

- i. state the particular provision of this Chapter alleged to have been violated and the facts upon which such allegation is based; and
- ii. state the time, date, and place of the public hearing on the alleged violation; and
- iii. be signed by the Village Clerk; and
- iv. be served on the motel owner or manager in person or by registered or certified mail, postage prepaid, addressed to the address given in the application for a motel license not less than ten (10) days before the public hearing.

(b) At the public hearing of the alleged violation:

- i. the charges against the licensee shall be read; and
- ii. the licensee shall be given an opportunity to answer and/or explain all charges, to present witnesses, and to cross-examine witnesses testifying against the licensee; and
- iii. the licensee may be represented by counsel; and
- iv. formal rules of evidence shall not apply.

(c) The Village Board shall determine after the public hearing whether or not to suspend, terminate, or revoke the license and shall give written notice to the licensee of its decision. The Board's decision shall be final.

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

DISCUSS – Proposed Text Amendments to Section 9-12-10 Temporary Uses, Section 9-6-1 External Temporary Uses, Parking Requirements 9-10-5

COMMITTEE REVIEW

- ☐ Finance/Administration
 - ☐ Municipal Services
 - ☐ Public Safety
 - ☒ Law & Ordinances
- Meeting Date: June 8, 2020**

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

As the Law & Ordinance Committee members are aware Illinois Governor Pritzker has issued a stay-at-home order with restricted business operations due to the COVID-19 pandemic. He has issued a Phase 5 program, Restore Illinois, to guide the state's businesses and activities through this pandemic. Currently the state is in the Phase 3 Recovery stage. During this stage, the State would allow outdoor dining, limited occupancy for retail, salons, office, and manufacturing to open however gatherings are limited to 10 people. Phase 4 opening date has yet to be determined but that stage would allow for internal restaurant openings and gatherings of up to 50 people. The Restore Illinois Chart is attached for further detail.

Staff has received calls from local business owners seeking flexibility in operating their businesses with the various occupancy restrictions and social distancing requirements in place. Ideas such as outdoor exercise classes for health clubs, expanded outside dining and creative marketing ideas to attract customers such as showing outdoor movies have been provided by business owners.

Our Village zoning code currently does not allow service business, such as health clubs, to have activities outside of an enclosed building. See the code section summarized as follows: Section 9-6-1(B):

http://www.sterlingcodifiers.com/codebook/index.php?book_id=449&chapter_id=103643#s1242931

Business Establishments: All business establishments shall be retail trade or service establishments dealing directly with consumers and all goods produced on the premises shall be sold on the premises where produced, and all business, service, storage, merchandise, display, and where permitted, repair and processing shall be conducted wholly within a completely enclosed building, except for off street automobile parking, off street loading and open sales lots and drive-in facilities in districts where they are permitted. Goods sold shall consist primarily of new merchandise, except for antique shops. (Ord. 77-O-14, 3-31-1977).

Our Village zoning code allows for outdoor seating for restaurants in the B1, B-2, B-3, and B-4 district. The M1 Manufacturing District is not currently mentioned, although the brewery may benefit from such a use during this time. Additionally, the zoning code does not allow for outdoor dining at fast food establishments. See the code section summarized as follows: Section 9-12-10 Temporary Uses:

http://www.sterlingcodifiers.com/codebook/index.php?book_id=449&chapter_id=103655#s1243000

In the B-1, B-2, B-3 and B-4 Business Districts, outdoor seating in a designated area in conjunction with a restaurant (but specifically excluding fast food establishments) for a period not to exceed two hundred (200) days commencing no earlier than April 1 of each year and ceasing no later than September 30 of each year. Approval of such use shall be subject to consideration of such issues as location, vehicle and pedestrian circulation and safety, fire access, sanitation and supervision standards deemed appropriate by the Building Official.

On May 28, 2020, Mayor Trilla signed off on Executive Order 2020-1. This Executive Order allowed for the use of private property for temporary outside activities in keeping with Phase 3 of the Governor's Restore Illinois Plan dated May 5, 2020, as amended. See the attached Executive Order 2020-1 for reference.

STAFF RECOMMENDATION:

Staff is seeking direction from the Committee on a propose Text Amendment to allow for the following items

- 1) Allow for services businesses to utilize exterior space to conduct business activities as a temporary building permit.
- 2) Allow for outdoor dining within the M1 Business district.
- 3) Allow for outdoor dining at fast food establishments.
- 4) Allow for outdoor dining to extend beyond September 30 of each year.
- 5) Allow for reduction in parking requirements and/or reduced drive aisles for outside business activities and outdoor dining During State of Emergency, currently related to the COVID-19 pandemic.
- 6) Allow for creative marketing, special events and signage to promote business activities.

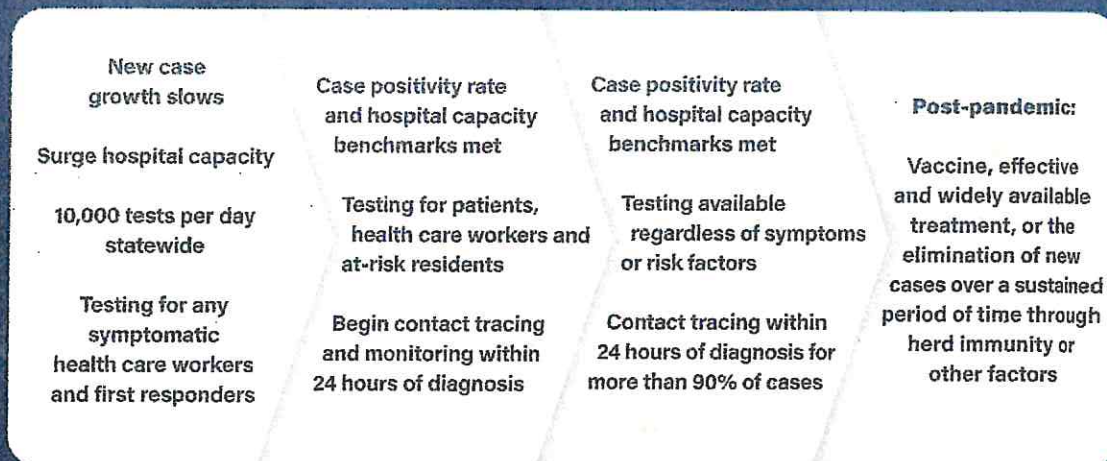
ACTION PROPOSED:

Staff is requesting feedback from the Committee on these items prior to publishing for a Public Hearing before the Village Plan Commission on July 1, 2020.

RESTORE ILLINOIS

A Public Health Approach To Safely Reopen Our State

Phase 1 Rapid Spread	Phase 2 Flattening	Phase 3 Recovery	Phase 4 Revitalization	Phase 5 Illinois Restored
<p>Strict stay at home and social distancing guidelines are put in place, and only essential businesses remain open.</p> <p>Every region has experienced this phase once already and could return to it if mitigation efforts are unsuccessful.</p>	<p>Non-essential retail stores reopen for curb-side pickup and delivery.</p> <p>Illinoisans are directed to wear a face covering when outside the home and can begin enjoying additional outdoor activities like golf, boating & fishing while practicing social distancing.</p>	<p>Manufacturing, offices, retail, barbershops and salons can reopen to the public with capacity and other limits and safety precautions.</p> <p>Gatherings of 10 people or fewer are allowed.</p> <p>Face coverings and social distancing are the norm.</p>	<p>Gatherings of 50 people or fewer are allowed, restaurants and bars reopen, travel resumes, child care and schools reopen under guidance from the Illinois Department of Public Health.</p> <p>Face coverings and social distancing are the norm.</p>	<p>The economy fully reopens with safety precautions continuing.</p> <p>Conventions, festivals and large events are permitted, and all businesses, schools and places of recreation can open with new safety guidance and procedures.</p>



VILLAGE OF WILLOWBROOK

Office of the Mayor
Willowbrook, Illinois

May 28, 2020

Executive Order 2020-1

**EXECUTIVE ORDER ALLOWING USE OF PRIVATE PROPERTY FOR
TEMPORARY OUTSIDE ACTIVITIES IN KEEPING WITH PHASE 3 OF THE
GOVERNOR'S RESTORE ILLINOIS PLAN DATED MAY 5, 2020, AS AMENDED
(COVID-19 EXECUTIVE ORDER NO. 1)**

WHEREAS, COVID-19 is a severe respiratory illness; a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the Village of Willowbrook; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19; and

WHEREAS, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and

WHEREAS, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, DuPage County, are disaster areas due to the Coronavirus; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") declared COVID-19 to be a global pandemic; and

WHEREAS, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

WHEREAS, on March 23, 2020, Frank A. Trilla, as Mayor of the Village of Willowbrook ("Village"), issued a Declaration of a Local State of Emergency for the Village to address the impact of COVID-19 on the Village and its residents and businesses and property owners ("Emergency Declaration"); and

WHEREAS, the Illinois Governor has established a five-phase plan, Restore Illinois, dated May 5, 2020, for the reopening of the State; and

WHEREAS, though the threat from COVID-19 to the public health, safety and welfare continues, the Restore Illinois Plan acknowledges the need to allow local and State economies to begin to recover economically to minimize and reverse the adverse economic, social and psychological effects of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

WHEREAS, all regions of the Restore Illinois Plan, including the Northeast Region in which the Village is located, are on schedule to move from Phase 2 to Phase 3 (Recovery) as early as the end of May; and

WHEREAS, the Restore Illinois Plan has been amended to allow bars and restaurants to reopen in Phase 3 “for outdoor dining only, with social distancing and safety measures” in place and to allow certain other business activities to partially reopen on a restricted basis; and

WHEREAS, certain rules to encourage and expand the ability of restaurants, bars and other business activities to offer the outdoor consumption of food and drinks and other services during the period of recovery would be in the best interest of the Village, its residents and businesses; and

WHEREAS, Ordinance No. 20-0-10, as extended on May 26, 2020 by Ordinance 20-0-19, granted the Mayor the extraordinary power and authority granted pursuant to the Illinois Municipal Code (including but not limited to 65 ILCS 5/11-1-6) and the Village Municipal Code, including Section 1-5-4, during the state of emergency declared by Ordinance 20-0-19 as may be reasonably necessary to respond to the emergency.

NOW THEREFORE, pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code (65 ILCS 5/11-1-6), the Illinois Emergency Management Agency Act (20 ILCS 3305/1), the Village Code of the Village of Willowbrook, the Emergency Declaration issued on March 23, 2020, as extended, and the findings set forth above, I, Frank A. Trilla, Mayor of the Village of Willowbrook, do hereby order the following, effective when the Governor and/or State of Illinois declares the beginning of Phase 3 for the Northeast Region of the Restore Illinois Plan, as follows:

A. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the Mayor.

B. Business establishments in the M-1 Zoning District are hereby authorized, with written authorizations of the property owner and subject to obtaining a temporary outdoor activity permit from the Village, to utilize exterior space adjacent to the business establishment to conduct temporary outdoor business activities, including but not limited to outdoor consumption of alcoholic beverages and outdoor conduct of fitness classes. Outdoor activities, such as fitness classes, shall be limited to a maximum of ten (10) persons.

C. Business establishments that are allowed to reopen for outdoor dining and/or consumption of alcoholic beverages, with social distancing and safety measures, as allowed by Phase 3 of the Restore Illinois Plan and that are located in B-1, B-2, B-3, B-4 and M-1 Zoning Districts, that have existing outdoor areas for the consumption of food and drinking, wanting to expand their current outdoor dining area and such establishments seeking to temporarily add outdoor dining areas are hereby authorized to do so, provided such establishments abide by Section D of this Executive Order:

D.

1. Affected establishments must apply for a temporary outdoor dining, consumption or activity, permit from the Village. There shall be no fee for the permit.

a. The permit application shall include a drawing that sufficiently shows the existing outdoor dining, alcohol consumption or activity area (if any) in a dotted line and the proposed new dining, alcohol consumption or activity area in a solid line.

(i) If the proposed new area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.

(ii) Stand-alone (not part of an existing shopping center or mall) restaurants can use up to 50% of their parking area for outdoor dining and/or consumption. Parking will need to be preserved to adequately serve the outdoor dining and/or consumption area and carry-out activities, if any.

(iii) If there is to be a covering over the business activity area, indicate that on the drawing. The manufacturer's guidelines for installation, all Village code requirements, and flame spread requirements, if applicable, must be followed.

(iv) Private sidewalks may be utilized for outdoor dining, provided social distancing is maintained and the sidewalk remains ADA compliant for pedestrian traffic.

(v) ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.

b. The applicant must demonstrate that they are the owner of the property on which the proposed outdoor space is to be located. If the applicant is not the owner of the property, the application must include written authorization of the property owner acknowledging that they will permit the creation or expansion of the proposed outdoor activity area as indicated on the drawing provided as part of the permit application.

c. Businesses shall not set up any expanded outdoor activity prior to being notified of approval by the Village.

d. The Village Administrator or his designee(s) is hereby authorized to approve or deny any such application.

E. Additional Conditions.

1. Business establishments requesting an outdoor permit shall comply with the protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority, including but not limited to the DuPage County Board of Health.

2. Establishments holding a Class B, B2, K, L or P Village retail local liquor license shall also be authorized to sell alcoholic beverages for consumption only in the outdoor designated area and no alcoholic beverages may be removed from the designated approved permitted area.
3. A physical barrier shall delineate all outdoor dining, alcohol consumption or activity areas.
4. The temporary outdoor dining, alcohol consumption or activity area shall be accessible to the disabled and shall comply with all applicable federal, state and Village laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
5. Business establishments may not expand the designated outdoor area in front of neighboring businesses without written permission from the neighboring business/property owner.
6. No permanent plumbing, electrical and lighting fixtures shall be installed.
7. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
8. Smoking in the outdoor dining, consumption or activity area is prohibited.
9. For outdoor dining and alcohol consumption areas, tables shall be placed and configured to allow for a minimum of 6-foot separation.
10. The outdoor dining, alcohol consumption or activity area shall not disturb the lawful use and quiet enjoyment of nearby properties.
11. All outdoor areas shall be open (e.g., no side walls other than the barrier) but may utilize awnings or other secured top coverings.
12. Live entertainment and electronically amplified music or sound shall not be permitted.
13. Portable bars are prohibited in an outdoor permitted area.
14. Outdoor trash receptacles shall be provided and maintained and the outdoor seating area shall be kept free from litter and debris.
15. Except for restroom visits and take-out orders, indoor premises shall be closed for public use.

F. All applicants and permittees shall be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the DuPage County Health Department and the Illinois Liquor Control Act.

Liquor licensees shall, prior to engaging in outdoor consumption, provide a certificate of liquor liability insurance that covers the permitted outdoor area and which names the Village of Willowbrook as an additional insured. Failure to abide by any of these requirements may result in revocation of approval for the expanded dining area.

G. When the existing Gubernatorial Executive Orders restricting capacity at bars and restaurants and other business establishments are terminated or cease, allowing for one hundred percent (100%) capacity indoors, or when this Executive Order is repealed by the Mayor or superseded by action of the corporate authorities of the Village, whichever is sooner, the expanded use of parking lots or other outdoor areas for temporary outdoor dining, alcohol consumption or other activities, shall cease, except as otherwise allowed by the Village Code, barriers placed therein shall be removed, and all areas used for temporary outdoor activities shall be returned to their original use.

H. Violations of this Executive Order 2020-1 may result in the revocation of the temporary outdoor permit.

I. This Executive Order is effective immediately and shall cease by its own terms as provided herein.

J. If any provision of the Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

This Executive Order will be filed with the Village of Willowbrook Village Clerk as soon as practicable.


Frank A. Trilla, Mayor

Issued by the Mayor of Willowbrook on May 28, 2020.
Filed with the Village Clerk on May 28, 2020.

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSS – Liquor License Fee Prorations – Section 3-12-7

COMMITTEE REVIEW

- ☐ Finance/Administration
☐ Municipal Services
☐ Public Safety
☒ Law & Ordinances
Meeting Date: June 8, 2020

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)

As the Law & Ordinance Committee members are aware Illinois Governor Pritzker has issued a stay-at-home order with restricted business operations due to the COVID-19 pandemic. He has issued a Phase 5 program, Restore Illinois, to guide the State's businesses and activities through this pandemic. Currently the State is in the Phase 3 Recovery stage. During this stage, the State would allow outdoor dining, limited occupancy for retail, salons, office, and manufacturing to open however gatherings are limited to 10 people. Phase 4 opening date has yet to be determined but that stage would allow for internal restaurant openings and gatherings of up to 50 people. The Restore Illinois Chart is attached for further detail.

Staff has received calls from local business owners seeking flexibility in operating their businesses, specifically with prorated liquor license fees due to the COVID 19 restrictions. A summary of the current liquor license fees is as follows:

3-12-5: CLASSIFICATIONS:

Class A - Retail - no consumption. The annual fee is \$2,500.00.

Class B - Entertainment, dancing and consumption. The annual fee is \$2,500.00.

Class B-1 - Retail - no consumption – restaurant. The annual fee is \$500.00.

Class B-2 - Retail - consumption on and off premises - coffee/sandwich shop. The annual fee is \$1,500.00.

Class C - One day license. The annual fee is \$250.00.

Class D - Hotel, motel type of class. The annual fee is \$3,500.00.

Class E - Retail - no consumption - grocery stores. The annual fee is \$2,500.00.

Class F - Recreational facility – consumption. The annual fee is \$2,500.00.

Class G - Private recreational facility – consumption. The annual fee is \$250.00.

Class H – Catering. The annual fee is \$250.00.

Class I - Indoor/outdoor commercial recreational facility. The annual fee is \$2,500.00.

Class J - Homeowners' association. The annual fee is \$250.00.

Class K - Retail consumption on and off premises - grocery store over 30,000 square feet of retail floor area. The annual fee is \$3,000.00.

Class L - Retail consumption on and off premises of a brewpub or Class I brewer. The annual fee is \$2,500.00.

Class M - Retail - no consumption - gas stations. The annual fee is \$2,500.00.

Class N - Retail - on premises consumption - hair and nail salon. The annual fee is \$1,500.00.

Class O - Video gaming cafes. The annual fee is \$5,000.00.

Class P – Restaurants with video gaming. The annual fee is \$5,000.00.

The Village code, 3-12-7: LICENSE FEES is listed as follows: Section (B) Proration Of License Fee stipulates that there shall be no proration of license fees for any reason.

Considering the CODIV 19 stay-at-home order and the multi-stage re-opening approach by the State of Illinois, staff is seeking feedback from the Committee on possible options for consideration on proration of license fees for all classes except B-1, G, H, & J:

- 1) Status quo – no proration of liquor license fee.
- 2) Quarterly proration fees. If approved in 1st quarter – no discount, 2nd quarter of the year there would be a 25% discount and if approved in the 3rd quarter there would be a 50% discount, 4th quarter a minimum fee \$1,000 due.
- 3) Half Year Fee Reduction to ½ of Annual Fee.
- 4) Other options as directed.

STAFF RECOMMENDATION:

Seek feedback from the Committee