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AN ORDINANCE AMENDING TITLE 7 (BUSINESS AND LICENSE) OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, there presently exists a global pandemic caused by the spread of a virus known as Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 9, 2020, Illinois Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster area; and

WHEREAS, Governor Pritzker subsequently issued “COVID-19 EXECUTIVE ORDER No. 5” which compelled the closure of all businesses in the State of Illinois that offer food or beverages for on-premises consumption – including restaurants, bars, grocery stores and food halls – through March 30, 2020; and

WHEREAS, Governor Pritzker has subsequently issued Executive Orders extending the closure of bars and restaurants (except for in-house delivery, drive-through and curbside pick-up) through May 29, 2020; and

WHEREAS, Governor Pritzker has now put into effect a phased plan for re-opening various businesses in the State; and

WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) recognize the economic damages and deleterious effects the COVID-19 pandemic and food service business closures ordered by Governor Pritzker’s Executive Orders have caused to restaurants in the Village; and

WHEREAS, the Village President and Board of Trustees of the Village have explored ways in which they Village can assist Village businesses to recover from the closures and to prosper following the re-opening of their businesses; and

WHEREAS, one way the Village can assist its restaurants to recover economically is to allow, on a temporary basis, the initiation or expansion of outdoor seating and outdoor dining with certain restrictions to require social distancing, appropriate and safe pedestrian paths and to protect outdoor dining patrons from vehicular traffic hazards; and

WHEREAS, the Village President and Board of Trustees have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and to protect the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to the Illinois Municipal Code (65 ILCS 5/1-2-1) the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the Village has determined that the amendment set forth below is in the best interest of the Village, its businesses and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

The recitals above set forth are hereby expressly incorporated and adopted as though fully set forth herein.

SECTION 2:

Title 7 of the Orland Park Village Code is hereby amended by adding thereto the following Chapter 22:

“CHAPTER 22 TEMPORARY OUTDOOR RESTAURANT SEATING

7-22-1: AUTHORIZATION:

Upon the re-opening of restaurants pursuant to a lawful order, outdoor seating and dining (including the sale and service of alcoholic beverages for which the restaurant is properly licensed) may be located, maintained and operated within the Village by restaurants licensed by the Village pursuant to the terms, conditions and requirements of this Chapter, including restaurants for which special use permits have been issued pursuant to the Village Land Development Code.

7-22-2: PERMIT REQUIRED:

No restaurant establishment (the “Applicant”) licensed by the Village shall be permitted to temporarily initiate or expand outdoor seating and dining pursuant to this Chapter unless the Applicant has obtained a permit therefor from the Director of Development Services or his/her designee. The Applicant shall apply to the Director of Development Services for a permit to temporarily initiate or expand outdoor seating and dining not less than ten (10) days prior to the Applicant’s intended initiation or expansion of outdoor seating and dining and the application shall contain, at a minimum, the following information and such additional information as the Director of Development Services shall require:

- A. The name of the restaurant establishment, its Village business license number and the name(s) and address(es) of the restaurant business owner and operator.

- B. A plan, including an accurate schematic or drawing, which details the location and physical layout of the restaurant, parking lots, areas of adjacent parking lots, Village streets, sidewalks and public ways to be utilized by the Applicant for outdoor seating and dining.
- C. A detailed description or depiction of the Applicant's plan for location of tables and chairs for outdoor use as well as the location and heights of all barriers and safety measures to be used to protect outdoor diners and pedestrians from vehicular traffic hazards. This should include, but not limited to the location of tables, seating, tents, porta-johns, barriers for protection from vehicles and boundary designations, waste disposal, fencing, exits and entrances. Nothing will be permitted that results in blockage or interference with the free movement of the public on sidewalks or rights-of-way or in violation of the Village's rules and requirements, or those of the Illinois Accessibility Code.
- D. Current business hours of the Applicant.
- E. If the Applicant is not the owner of the private property adjacent to the restaurant establishment to be utilized for outdoor seating and dining, the written permission of the private property owner for such use.
- F. A 24 hour emergency contact phone number and email.

7-22-3: RESTRICTIONS:

The following restrictions shall apply to any outdoor seating and dining allowed pursuant to this Chapter:

- A. The number of outdoor dining patrons to be accommodated shall not exceed fifty percent (50%) of the number of patrons permitted to dine within the enclosed restaurant establishment.
- B. All outdoor dining patrons and the Applicant's waitstaff must strictly comply with all United States Centers for Disease Control and Prevention and applicable local guidelines for social distancing and other health and safety guidelines in effect for the duration of the COVID-19 global pandemic.
- C. The Smoking Ban provisions of the Village Code (Section 6-2-2-12) shall be applicable to all outdoor seating and dining areas.

- D. Except to the extent modified by the provisions of this Chapter, all restrictions imposed upon outdoor seating and dining by the provisions of this Code or the Village Land Development Code shall remain in full force and effect.
- E. The Director of Development Services and the Applicant shall work cooperatively to mitigate or eliminate any adverse impact on public health and safety and Applicant's plan shall be revised accordingly.

7-22-4: ACTION ON APPLICATION:

Upon submittal of the application, the Director of Development Services shall review the application, including the plan and accompanying documents, in order to determine if the application is complete and to assure compliance with the requirements of this Chapter. The Director of Development Services may reject the application if it does not contain all required information, in which case the Director of Development Services shall notify the Applicant in writing of such rejection and the reasons therefore. The Applicant may thereafter submit a complete/revised application to the Director of Development Services.

7-22-5: ENFORCEMENT:

Any restaurant establishment that knowingly violates the provisions of this Chapter shall be subject to the immediate suspension of the outdoor seating and dining permit issued pursuant to this Chapter and as provided by Section 7-1-16 (SUSPENSION, REVOCATION AND APPEAL) of this Village Code.

7-22-6: AUTHORITY OF VILLAGE MANAGER:

The Village Manager, or his/her designee, shall have the authority to promulgate such rules and regulations as are necessary for the effective implementation and enforcement of this Chapter, and shall have the authority to temporarily close portions of Village streets, sidewalks and public ways to accommodate the outdoor seating and dining authorized and permitted by this Chapter.

7-22-7: EXPIRATION/TERMINATION OF PERMIT:

Any permit to initiate or expand outdoor seating and dining issued pursuant to the provisions of this Chapter shall expire or terminate upon the repeal of this Chapter of the Village Code."

SECTION 3:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form.

SECTION 4:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.