



Legislation Text

File #: 2020-0399, **Version:** 1

TITLE

AN ORDINANCE ALLOWING ORLAND PARK HEALTH AND FITNESS BUSINESSES TO UTILIZE VILLAGE PROPERTY TO CONDUCT FITNESS CLASSES IN COMPLIANCE WITH RESTORE ILLINOIS GUIDELINES

BODY

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 including health and fitness centers; and

WHEREAS, Governor Pritzker has subsequently issued Executive Orders extending the closure of health and fitness centers 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, as part of Phase 3 of the revised Restore Illinois Plan, health and fitness centers are able to resume limited operations; and

WHEREAS, gyms, fitness centers and yoga, dance, cycling, pilates and barre studios can begin to reopen with safety guidance; and

WHEREAS, health and fitness services are limited to one-on-one training or outdoor fitness classes with up to 10 participants; and

WHEREAS, contact activities are prohibited and services are limited to reservations only. No walk-ins are permitted; and

WHEREAS, not all Orland Park health and fitness centers have adequate space on their properties to provide outdoor fitness classes, 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 business closures ordered by Governor Pritzker’s Executive Orders have caused to health and fitness centers; 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 health and fitness centers that lack adequate space on their properties to provide outdoor fitness classes is to allow, on a temporary basis, the usage of Village property to conduct fitness classes in compliance with Restore Illinois guidelines; 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 this Ordinance 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

AUTHORIZATION

Outdoor health and fitness classes may be located, maintained and operated on Village property by health and fitness centers licensed by the Village pursuant to the terms, conditions and requirements of this Ordinance.

PERMIT REQUIRED

No health and fitness establishment (the “Applicant”) licensed by the Village shall be permitted to temporarily conduct outdoor fitness classes on Village property pursuant to this Ordinance unless the Applicant has obtained a permit therefor from the Director of Recreation and Parks or his/her designee. The Applicant shall apply to the Director of Recreation and Parks for a permit to temporarily conduct outdoor fitness classes not less than five (5) days prior to the Applicant’s intended initiation of outdoor fitness classes and the application shall contain, at a minimum, the following information and such additional information as the Director of Recreation and Parks shall require:

- A. The name of the health and fitness establishment, its Village business license number and the

name(s), address(es), phone number(s) and email address(es) of the health and fitness business owner and operator.

- B. The name of the Village property on which the applicant intends to conduct the outdoor fitness classes as well as when the applicant intends to conduct outdoor fitness classes.
- C. A plan, including an accurate schematic or drawing, which details the location and physical layout of the outdoor fitness classes.

RESTRICTIONS:

The following restrictions shall apply to any outdoor fitness classes:

- A. The total number of outdoor fitness participants, including instructors, shall not be in excess of what is permitted per the Restore Illinois guidelines.
- B. All outdoor participants, including staff, 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. Except to the extent modified by the provisions of this Ordinance, all restrictions imposed upon the public use of Village property by the provisions of the Village Code or the Village Land Development Code shall remain in full force and effect.
- D. The Director of Recreation and Parks, or his/her designee, 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.
- E. Each applicant shall be required to provide a hold harmless indemnification and certificate of insurance naming the Village as an additional insured. Each fitness class participant shall also be

required to provide a hold harmless indemnification.

ACTION ON APPLICATION:

Upon submittal of the application, the Director of Recreation and Parks, or his/her designee, 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 Ordinance. The Director of Recreation and Parks, or his/her designee, may reject the application if it does not contain all required information, in which case the Director of Recreation and Parks, or his/her designee, 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 Recreation and Parks, or his/her designee.

ENFORCEMENT:

Any health and fitness business that knowingly violates the provisions of this Chapter shall be subject to the immediate suspension of its outdoor fitness class permit issued pursuant to this Ordinance.

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 Ordinance, and shall have the authority to temporarily close portions of Village streets, sidewalks and public ways to accommodate the outdoor fitness classes authorized and permitted by this Chapter.

EXPIRATION/TERMINATION OF PERMIT:

Any permit to initiate or expand outdoor fitness classes issued pursuant to the provisions of this Ordinance shall expire or terminate upon the re-initiation of indoor fitness classes, or soon thereafter, per the Restore Illinois Plan.

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.