



Executive Order No. 2020-07

AN EXECUTIVE ORDER AUTHORIZING RESTAURANTS AND BARS THE OPTION FOR TEMPORARY RESUMPTION OF OPERATIONS FOR OUTDOOR SEATING ONLY IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS

WHEREAS, on March 9, 2020 and April 30, 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 15, 2020 and on April 20, 2020 the Corporate Authorities of the City of Geneva, Illinois declared a state of emergency and local disaster exists; and

WHEREAS, the Corporate Authorities by Ordinance 2020-10 and Ordinance 2020-11 granted the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07 which, among other things, prohibited the on-site consumption of public food or beverages in most businesses through March 30, 2020; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18 which, among other things, extended the prohibition for the on-site consumption of public food or beverages in most businesses through April 30, 2020; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32 effective May 1, 2020; and

WHEREAS, on May 5, 2020 the Governor announced Restore Illinois, a 5-Phase Plan to allow the reopening of Illinois; and

WHEREAS, on May 20, 2020 the Governor announced the inclusion of restaurant and bars to resume operations for outdoor seating only into Phase 3 of the Restore Illinois Plan;

NOW, THEREFORE, by the powers vested in me as the Mayor of the City of Geneva, Kane County, Illinois, I order as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: It is hereby determined that allowing, on a temporary basis, restaurant and bars to resume operations for outdoor seating only with certain restrictions including but not limited to requiring social distancing, appropriate and safe pedestrian paths, and appropriate

measures to protect outdoor patrons from vehicular traffic hazards will assist restaurants and bars to recover economically during this State of Emergency.

SECTION 3: Pursuant to the authority granted to the Mayor by law and in accordance with the Governor's Executive Orders, the Illinois Department of Public Health Regulations for Restaurant Outdoor Dining, and Guidance issued by the Illinois Department of Commerce and Economic Opportunity, it is hereby proclaimed that restaurants and bars may resume operations with temporary outdoor seating, in conformance with the standards and guidelines set forth in Exhibit A "Temporary Outdoor Seating Options for Restaurants and Bars".

SECTION 4: Any temporary measures/guidelines relating to the sale and/or consumption of alcoholic beverages enacted by the Illinois Liquor Control Commission in response to COVID-19 are deemed adopted by the City of Geneva for the duration of the temporary measures/guidelines.

SECTION 5: Any expanded temporary outdoor seating shall expire upon the earlier of:

- a. The end of the Governor of the State of Illinois' disaster proclamation regarding COVID-19;
- b. Repeal of this Executive Order by an ordinance of the Mayor and City Council or by Executive Order of the Mayor;
- c. This Executive Order being superseded by State law or an Executive Order of the Governor of the State of Illinois.

SECTION 6: All ordinances, or parts of ordinances, in conflict with the provisions of this Executive Order, to the extent of such conflict, are held in abeyance during the life of this Executive Order.

SECTION 6: Each section, paragraph, clause and provision of this Executive Order is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Executive Order, nor any part thereof, other than that part affected by such decision.

SECTION 7: It is in the best interests of the City that the provisions of this Executive Order be effective immediately for purposes of implementation.

So ordered by me, the Mayor of the City of Geneva, this 27th day of May, 2020.



Kevin R. Burns, Mayor

ATTEST:


Deputy City Clerk



OUTDOOR SEATING OPTIONS FOR RESTAURANTS AND BARS

RESTORE ILLINOIS: PHASE 3 EFFECTIVE MAY 29, 2020

Phase 3 provides bars and restaurants the option to resume operations for outdoor seating only. Tables must be six feet apart, masks and distancing measures for staff must continue to be followed, and other precautions and guidance as has been issued by the [Illinois Department of Commerce Restaurant & Bars for Outdoor Dining Guidelines](#). Municipalities are encouraged to help restaurants and bars expand their outdoor seating options.

Geneva as a non-home rule municipality must follow rules mandated by the Illinois Liquor Control Commission. Such rules do not authorize the City to allow liquor service on public property. It is unknown whether the Illinois Liquor Control Commission will alter regulations. If this occurs, options will be modified accordingly.

An [interactive web map](#) has been created to help identify opportunities for additional outdoor seating areas. The map shows restaurant locations, right-of-way lines, and City owned public parking areas. Using the search bar, a business can be located by name or address. The draw tools can create lines and polygons to indicate proposed outdoor seating. The measurement tool will calculate the area and the print icon is located under the search bar.

All outdoor dining areas must continue to comply with Kane County Health Department regulations. Upon expiration of the existing State orders restricting capacity, or if the Mayor’s Executive Order is repealed, the use of parking lots or other areas for temporary outdoor seating shall cease and all areas used for temporary outdoor seating shall be returned to the original use. For additional assistance, please contact Cathleen Tymoszenko, Economic Development Director at 630-232-7449 or ctymoszenko@geneva.il.us.

RESTORE ILLINOIS: PHASE 3 OUTDOOR SEATING OPTIONS FOR RESTAURANTS AND BARS		Issued 5/27/20
Private property	Outdoor seating may be established on private property yards, courtyards, or parking areas with owner consent and in compliance with distance and outdoor dining regulations. Parking restrictions will be relaxed during this temporary period. ADA parking spaces must be maintained. A restaurant or bar with a current liquor license may only sell or serve alcoholic beverages on the expanded seating area by submitting a Temporary Outdoor Seating Liquor application to jfornari@geneva.il.us. If no alcoholic beverages are to be sold or served in the expanded area, no City approvals are required.	
Public property Food service only	If private property options are unavailable or very limited, outdoor seating may be located on public property using public parking lots, sidewalks, or parkways, only if certain conditions are met. City approval is required and can be initiated by submitting a Request for Use of Public Property.	

REQUEST FOR USE OF PUBLIC PROPERTY

Submit application electronically to ctymoszenko@geneva.il.us

Criteria for Consideration:

- Public property includes public parking lots, sidewalks and parkways. If a public parking lot is located in near proximity, it should be requested for use. The use of public property will be considered only when other options are not available.
- Tables must be located as close to the building wall as possible and may be placed on sidewalk areas only if there is adequate means for pedestrians to pass safely on the remaining public area. On-street parking spaces can be used for pedestrian passage and server areas. Tables cannot be located in on-street parking space areas.
- Priority for the use of a public space will be given to full service restaurants and bars that do not have the ability to provide private property outdoor dining or where private property locations are very limited due to social distancing requirements (i.e. five tables or less).
- Temporary physical barriers must be used to separate an outdoor seating area from the rest of the parking lot or to close driveways. Businesses are required to provide their own barriers for the delineation of spaces.
- ADA parking spaces are required and access to/from those spaces shall not be impeded. An outdoor seating area shall be accessible and shall comply with all applicable federal, state and City laws, ordinances, regulations concerning accessibility and nondiscrimination in the providing of services.
- Businesses are required to dispose of trash generated from the outdoor seating area. Public trash cans may not be used.

Applicant Information:

Business Name/Address

Applicant/Contact Info

Required Submissions

Map depicting proposed outdoor seating area

Plan for garbage

Certificate of Insurance naming the City of Geneva as additional insured. All insurance shall be high hazard with limits of general liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit for personal injury, bodily injury and property damage.

Written permission from the neighboring business/property owner if applicable. Outdoor seating areas may not expand outdoor dining in front of neighboring businesses without written permission.



CITY OF GENEVA
TEMPORARY OUTDOOR SEATING LIQUOR LICENSE APPLICATION

DATE: _____

BUSINESS NAME: _____

ADDRESS: _____

MOBILE PHONE: _____ EMAIL: _____

(Attach evidence of valid liquor liability insurance with limits of not less than \$1,000,000.00 or indicate on file with City.)

INCLUDE DRAWINGS/PLANS FOR THE OUTDOOR SEATING AREA WITH THE SUBMISSION OF THIS APPLICATION. DRAWING MUST INCLUDE LAYOUT WITH AS WELL AS PHOTOS OR ILLUSTRATION OF TYPE OF FENCE OR BARRIER TO BE INSTALLED.

I, THE UNDERSIGNED, DO HEREBY STATE THAT I HAVE READ, UNDERSTAND, AND AGREE TO CONFORM TO ALL RULES AND REGULATIONS SET FORTH BY THE CITY OF GENEVA FOR A TEMPORARY OUTDOOR SEATING LIQUOR LICENSE. I FURTHER ACKNOWLEDGE FAILURE TO COMPLY MAY RESULT IN REVOCATION OF THE TEMPORARY OUTDOOR LIQUOR LICENSE. THIS TEMPORARY LICENSE IS ONLY VALID DURING THE PERIOD AUTHORIZED UNDER THE CITY OF GENEVA EXECUTIVE ORDER 2020-07.

_____	_____
Printed Name	Title
_____	_____
Signature	Date

FOR OFFICE USE

✓ if received

Seating/Area Map: _____

Example of Fencing/:

Or Barrier

Proof of Insurance: _____

Approvals: City Administrator _____

DATE APPROVED & ISSUED: _____