

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
5/5/2020

SUBJECT:	SUBMITTED BY:
Covid-19 Response Liquor and Massage licensing provisions; Temporary Use Permit fees and amendment to rates charged for water	Enza Petrarca Village Attorney

SYNOPSIS

Ordinances have been prepared repealing Ordinance No. 5785 and amending the rates charged for water, and amending certain licensing provisions for liquor and massage establishments and temporary use permit provisions

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 include *Exceptional Municipal Services*.

FISCAL IMPACT

The proposed changes will result in a reduction of revenue. The revenue loss is anticipated and reflected in the [Covid-19 Financial Response Plan](#).

RECOMMENDATION

Approval at the May 12, 2020 active agenda.

BACKGROUND

The COVID-19 pandemic has resulted in significant economic impact, including loss of income and wages, which threatens future financial stability. It will have a significant financial impact upon the businesses in Downers Grove that will be unable to fully operate during the Stay at Home Order. These ordinances are proposed in an effort to lessen some of the financial challenges and are summarized below:

Repeal of Water Rate Increase - In December, the Village Council approved an [Ordinance](#) increasing water rates, effective July 1, 2020. The proposed Ordinance would keep the current water rates in effect, instead of increasing them in July.

Extension of Liquor Licenses - The proposed Ordinance would extend the current liquor licenses, scheduled to expire on June 30, to August 31. If approved, current liquor licenses would be valid until August 31. The 2020-21 liquor licenses would be valid from September 1, 2020 until June 30, 2021. No changes to liquor license fees are being proposed.

Extension of Massage Licenses - The proposed Ordinance would extend the current massage licenses, scheduled to expire on June 30, to August 31. If approved, current massage licenses would

be valid until August 31. The 2020-21 massage licenses would be valid from September 1, 2020 until June 30, 2021. No changes to massage license fees are being proposed.

Proration of Restaurant Outdoor Cafes Temporary Use Fees - The proposed Ordinance would prorate the fees for operating restaurant outdoor cafes. Outdoor cafes may operate from March 15 to November 15, a total of 246 days. The fee for a temporary use permit for an outdoor cafe is \$98 (about \$0.40 per day). The fee for operating an outdoor cafe on Village-owned property is \$1.25 per square foot (about half a cent per day per square foot). The Ordinance would pro-rate these fees based on the date the Governor allows restaurants to operate outdoor cafes. For example, if restaurants are allowed to commence dine-in operations on July 1, this would allow for 138 days of operations and the fees charged would be 56% of the typical fees (\$55 temporary use fee and \$0.70 per square foot lease fee).

ATTACHMENTS

Ordinances

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR EMERGENCY ORDERS
REGARDING LIQUOR AND MASSAGE LICENSING
AND TEMPORARY USE PERMIT PROVISIONS**

WHEREAS, on March 14, 2020, upon the authority of Section 9-16 of the Downers Grove Municipal Code, Robert T. Barnett, Mayor, upon the recommendation of the Village of Downers Grove Office of Emergency Management, proclaimed that a State of Emergency exists in the Village of Downers Grove (the “Village”). On April 7, 2020, the Village Council of the Village of Downers Grove extended the State of Emergency to run concurrently with the Gubernatorial Disaster Proclamation;

WHEREAS, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (Gubernatorial Disaster Proclamation) in response to the outbreak of COVID-19;

WHEREAS, on March 20, 2020 Governor Pritzker issued a Stay at Home Order (EO 2020-10 or “Order”) directing all individuals living within the State of Illinois to stay at home or at their place of residence except as allowed by the Order; and ordering all non-essential businesses and operations to cease in accordance with the Order through April 7, 2020. On March 31, 2020, the Governor extended the Order through April 30, 2020 and again extended it on April 30, 2020 through May 30, 2020;

WHEREAS, the Village is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution, and the passage of this Resolution by the Village Council constitutes an exercise of its home rule powers and functions as granted in the Constitution of the State of Illinois;

WHEREAS, COVID-19 has resulted in significant economic impact, including loss of income and wages, that threaten to undermine housing security and financial stability. More specifically, the stay at home order will have a significant financial impact upon the businesses in Downers Grove that will be unable to fully operate during the Stay at Home Order;

WHEREAS, pursuant to the Downers Grove Municipal Code, Downers Grove liquor licenses and Downers Grove massage establishment licenses expire on June 30th.

NOW, THEREFORE, BE IT RESOLVED, that the Village Council of the Village of Downers Grove:

SECTION 1. That Section 3.14 of the Downers Grove Municipal Code shall be temporarily amended to provide that the liquor licenses set to expire on June 30, 2020 shall now be extended and be valid through August 31, 2020. Further, Section 3.16 of the Downers Grove Municipal Code shall be temporarily amended to provide that the due date and late filing fee provisions be extended to the second Friday in August (August 14, 2020). The 2020-21 liquor licenses shall be valid from September 1, 2020 until June 30, 2021.

SECTION 2. That Section 8.2023 of the Downers Grove Municipal Code shall be temporarily amended to provide that the massage establishment licenses set to expire on June 30, 2020 shall now be extended and be valid through August 31, 2020. Renewal applications shall be made at least thirty (30) days prior to the expiration date. The 2020-21 liquor licenses shall be valid from September 1, 2020 until June 30, 2021.

SECTION 3. All fees associated with a 2020 Outdoor Café' Temporary Use Permit issued pursuant to Section 4.104 of the Downers Grove Municipal Code shall be prorated and refunded, if necessary, to coincide with the expiration of the Stay at Home Order and the removal of the restrictions to operate such outdoor cafes'.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk