

VILLAGE OF DOWNERS GROVE
Report for the Village
7/14/2020

SUBJECT:	SUBMITTED BY:
Extension and amendments to Liquor and Massage License Renewal and Term, outdoor dining and liquor provisions, parking and utility billing provisions	Enza Petrarca Village Attorney

SYNOPSIS

Ordinances have been prepared amending the terms and annual renewal of liquor licenses and massage licenses. A resolution has been prepared extending and amending certain emergency orders regarding outdoor dining, liquor and parking provisions and utility billing

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](#).

UPDATE & RECOMMENDATION

This item was discussed at the July 7, 2020 Village Council meeting. Staff recommends approval on the July 14, 2020 Consent Agenda.

BACKGROUND

Since the declaration of a State of Emergency due to the COVID-19 pandemic, the Village Council has affirmed and authorized the following emergency orders:

- Utility billing – staying the collection of late payments and penalties (set to expire concurrently with State Disaster Declaration currently set to expire 7/26/20);
- Parking citations & Food and beverage tax – staying the collection of late payments and penalties (set to expire concurrently with State Disaster Declaration currently set to expire 7/26/20);
- Commuter Parking Permits - authorizing an extension of second quarter commuter parking permits through September 30, 2020;
- Extension of liquor licenses through August 31, 2020;
- Extension of massage licenses through August 31, 2020;
- Establishment of outdoor dining provisions through August 31, 2020 which:

- Allows restaurants and certain other establishments to operate outdoor dining areas adjacent to their establishment, including patios, public and private sidewalks, private parking lots and in portions of public streets.
- Temporarily waives the requirement to obtain a Temporary Use permit to operate an outdoor cafe
- Allows establishments which currently hold a liquor license to sell and serve alcohol in the outdoor dining area without the issuance of a separate outdoor dining liquor license (Class O)
- Allows establishments which currently hold a liquor license for the sale of full alcohol for on-site consumption to sell beer, wine, cocktails or mixed drinks by curbside pick-up or delivery (must be sold in connection with the purchase of food)

On June 26, 2020, the Governor extended by thirty days the State disaster proclamation related to COVID-19, and the entire State moved into Phase 4 of the Restore Illinois Plan. As such, the following documents have been prepared for the Village Council's consideration:

1. **Extension of Liquor Licenses** - The proposed Ordinance would extend the current liquor licenses, scheduled to expire on August 31, to October 31. If approved, current liquor licenses would be valid until October 31. The 2020-21 liquor licenses would be valid from November 1, 2020 until October 31, 2021. This amendment would permanently change the term of liquor licenses to November 1- October 31 for future years. No changes to liquor license fees are being proposed.
2. **Extension of Massage Licenses** - The proposed Ordinance would permanently change the term of massage licenses to September 1 - August 31 for future years. The 2020-21 massage licenses would be valid from September 1, 2020 until August 31, 2021. No changes to massage license fees are being proposed.
3. **Extension of Emergency Order re: Outdoor Dining and other Liquor Provisions** – The proposed Resolution would extend the Emergency Order through November 1, 2020, provided that the Village Manager shall have the authority to further extend the Emergency Order through November 15, 2020.
4. **Amendment to the March 24, 2020 Executive Order** - The proposed Resolution would amend the Executive Order staying Section 25.33 (c), (d) and (e) of the Downers Grove Municipal Code related to utility late payments penalties, discontinuing of services, and lien provisions by lifting the stay effective August 31, 2020.
5. **Amendment to the March 27, 2020 Executive Order** – The proposed Resolution would amend the Executive Order staying Sections 14.97.4 and 21.908 of the Downers Grove Municipal Code related to parking citations and food and beverage tax late payments and penalties by lifting the stay effective August 31, 2020;

Commuter parking permits would resume the normal process effective 4th quarter (October 1, 2020).

ATTACHMENTS

Ordinances

Resolution

Emergency Order re: Outdoor Dining

March 24, 2020 & March 27, 2020 Executive Orders

**A RESOLUTION EXTENDING AND AMENDING
CERTAIN EMERGENCY ORDERS REGARDING OUTDOOR DINING,
LIQUOR AND PARKING PROVISIONS AND UTILITY BILLING**

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, the number of suspected COVID-19 cases in Illinois was increasing exponentially and across more locations in Illinois, indicating that drastic social distancing measures are needed, even in communities where confirmed cases have not yet been identified, to reduce the number of people who become sick at any given time and the possibility of exhausting our health care resources;

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 and the suspension of on-premises consumption of food and beverages in restaurants all 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 on April 30, 2020, May 29, 2020 and June 26, 2020;

WHEREAS, on March 17, 2020, Mayor Barnett issued an Executive Order allowing the R1 and R2 liquor licensees the option to sell pre-packaged beer and wine in connection with a food order for off premise consumption (Liquor Sales Executive Order);

WHEREAS, on March 24, 2020, Mayor Barnett issued an Executive Order staying Section 25.33 (c), (d) and (e) of the Downers Grove Municipal Code related to utility late payments penalties, discontinuing of services, and lien provisions (Utility Billing Executive Order);

WHEREAS, on March 27, 2020, Mayor Barnett issued an Executive Order staying Sections 14.97.4 and 21.908 of the Downers Grove Municipal Code related to parking citations and food and beverage tax late payments and penalties. (Parking and Food & Beverage Executive Order);

WHEREAS, on March 30, 2020, Mayor Barnett issued an Executive Order authorizing an extension of second quarter commuter parking permits through September 30, 2020. (Commuter Parking Permits Executive Order);

WHEREAS, on April 7, 2020 the Village Council of the Village of Downers Grove authorized and extended the State of Emergency and the following executive orders: Liquor Sales Executive Order; Utility Billing Executive Order; Parking and Food and Beverage Executive Order; and Commuter Parking Permits Executive Order.

WHEREAS, on May 5, 2020 Governor Pritzker issued the Restore Illinois Plan;

WHEREAS, on May 29, 2020, Mayor Barnett issued an Executive Order regarding outdoor dining and other liquor provisions, which was subsequently affirmed and authorized by the Village Council on June 9, 2020 and extended through August 31, 2020 on June 16, 2020;

WHEREAS, on June 2, 2020, the State enacted Section 6-28.8 of the Illinois Local Control Ordinance, allowing for the retail sale of cocktails or mixed drinks by curbside pick-up or delivery, subject to certain restrictions and regulations (235 ILCS 5/6-28.8).

WHEREAS, Phase 4 of the Governor's Restore Illinois Plan went into effect on June 26, 2020, which in part allows food establishments to open with limited indoor seating and outdoor dining facilities with appropriate social distancing and safeguards;

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 has had a significant financial impact upon the businesses in Downers Grove that have unable to fully operate during the Stay at Home Order;

WHEREAS, although the suspension of on-premises consumption of food and beverages is temporary, it is unprecedented and has presented a hardship for local establishments in Downers Grove;

WHEREAS, as the Local Liquor Commissioner, the Mayor has the authority to adopt rules or regulations related to the retail sale of alcoholic liquor within the corporate boundaries of Downers Grove;

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

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

1. That the Emergency Order issued by Mayor Barnett on May 29, 2020, regarding outdoor dining and other liquor provisions, which was subsequently affirmed and authorized by the Village Council on June 9, 2020 and extended through August 31, 2020 on June 16, 2020, is hereby extended to November 1, 2020; provided that the Village Manager shall have the authority to extend such order through November 15, 2020;

2. The March 24, 2020 Executive Order staying Section 25.33 (c), (d) and (e) of the Downers Grove Municipal Code related to utility late payments penalties, discontinuing of services, and lien provisions is hereby amended by lifting the stay effective August 31, 2020;
3. The March 27, 2020 Executive Order staying Sections 14.97.4 and 21.908 of the Downers Grove Municipal Code related to parking citations and food and beverage tax late payments and penalties is hereby amended by lifting the stay effective August 31, 2020;
4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.
5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest:

Village Clerk