
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 20 - 13

**AN ORDINANCE EXTENDING
TEMPORARY OUTDOOR DINING AND DRINKING PERMIT PROGRAM**

Passed by the Board of Trustees, July 9, 2020

Printed and Published, July 9, 2020

Printed and Published in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK

ANNETTE BRZEZNIAK-VOLPE
ANNA BRZOWSKI-WEGRECKI
ZBIGNIEW LEWANDOWSKI
THERESE SCHUEPFER
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was
properly published on the date stated above.


Village Clerk

ORDINANCE NO. 20-13

**AN ORDINANCE EXTENDING
TEMPORARY OUTDOOR DINING AND DRINKING PERMIT PROGRAM**

WHEREAS, the Village of Harwood Heights (hereinafter, “the Village”) is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, the Village, as a home rule unit of government, may exercise any power and perform any function pertaining to its government affairs; and

WHEREAS, with limited exceptions, the Village is authorized to generally regulate the sale of all beverages and food for human consumption (65 ILCS 5/11-20-2); and

WHEREAS, the Village may regulate the use of streets and other municipal property (65 ILCS 5/11-80-2); and

WHEREAS, the Village is authorized to license retail sales of alcoholic liquor (235 ILCS 5/4-1, 4-2); and

WHEREAS, the Village is authorized to authorize the use of its public rights of way and to permit outdoor service and consumption of alcohol; and

WHEREAS, beginning March 16, 2020, Governor JB Pritzker suspended on-premises consumption of food or alcohol at restaurants in the State of Illinois in response to the COVID-19 pandemic (Exec. Order Nos. 2020-07 and 2020-33); and

WHEREAS, on May 5, 2020, Governor JB Pritzker announced the five-phase “Restore Illinois: A Public Health Approach to Safely Reopen Our State” plan for gradually and safely re-opening Illinois; and

WHEREAS, beginning with Phase 3 of the Restore Illinois Plan on May 29, 2020, municipalities were authorized to allow on-premises outdoor dining at bars and restaurants in accordance with State guidelines and local rules; and

WHEREAS, on May 28, 2020, the Village Board enacted Ordinance 20-12, *An Ordinance Approving a Temporary Outdoor Dining and Drinking Outdoor Permit Program During Phase 3 of Restore Illinois Plan* (the “Outdoor Dining Ordinance”); and

WHEREAS, pursuant to the Outdoor Dining Ordinance, restaurants and bars in the Village may apply to the Village for a permit to operate a temporary outdoor dining/drinking area in an approved designated area in accordance with the Outdoor Dining Ordinance, the Village’s Temporary Outdoor Dining Policy, orders of the Local Liquor Control Commissioner, the Village’s Liquor Code and the Illinois Liquor Control Act, as any of the foregoing may be amended or revised from time to time (cumulatively, the “Harwood Heights Temporary Outdoor Dining Program”); and

WHEREAS, the temporary dining/drinking program has been successful, offering local business owners an additional means of serving customers and afforded the public safe opportunities for dining out in the Village; and

WHEREAS, the temporary outdoor dining/drinking program was originally set to expire at the conclusion of Phase 3 of the Restore Illinois Plan; and

WHEREAS, the Village entered Phase 4 of the Restore Illinois Plan on June 26, 2020; and

WHEREAS, the Illinois Department of Public Health (IDPH) and the Illinois Department of Commerce and Economic Opportunity (DCEO) recently released updated Phase 4 safety guidelines (the “Phase 4 Guidelines”) for various activities and operations in Illinois, including updated guidelines for restaurant and bar establishments accommodating both indoor and outdoor service; and

WHEREAS, the Phase 4 guidelines for restaurants and bars allow the resumption of indoor on-premises service, subject to certain restrictions that are anticipated to evolve as public health

data develops, but which initially require groups of ten people or fewer, occupied tables and booths at least six feet apart, and that standing areas be limited to 25% capacity (the “Initial Phase 4 Capacity Restrictions”); and

WHEREAS, the Village Board recognizes that the lingering Initial Phase 4 Capacity Restrictions might still create economic challenges for local businesses and therefore wishes to extend the Harwood Heights Temporary Outdoor Dining Program as set forth herein and finds that doing so is in the interest of the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:

SECTION 1. RECITALS. That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. EXTENSION OF HARWOOD HEIGHTS’ TEMPORARY OUTDOOR DINING PROGRAM. The Harwood Heights Temporary Outdoor Dining Program is hereby extended until the earliest to occur of (i) the expiration of all gubernatorial, legislative or administrative orders or guidance from the State of Illinois applicable within the Village of Harwood Heights (cumulatively, the “State Rules”) restricting indoor restaurant or bar capacity or otherwise imposing patron or seating spatial separation requirements in any manner, (ii) the Village Board rescinding this Ordinance, or (iii) December 1, 2020.

SECTION 3. CONFLICTS WITH EVOLVING STATE RULES. Without further action by the Mayor or Village Board, where a direct conflict emerges between the Village’s Temporary Outdoor Dining Policy and the State Rules as the same are revised from time to time, the State Rules shall govern.

SECTION 4. EXTENSION OF TEMPORARY OUTDOOR DINING PERMITS.

Unless revoked by the Village or disclaimed by a permittee, all previously-issued temporary outdoor dining permits are deemed automatically extended until the earliest to occur of (i) the expiration of all gubernatorial, legislative or administrative orders or guidance from the State of Illinois applicable within the Village of Harwood Heights (cumulatively, the “State Rules”) restricting indoor restaurant or bar capacity or otherwise imposing patron or seating spatial separation requirements in any manner, (ii) the Village Board rescinding this Ordinance, or (iii) December 1, 2020. All conditions or restrictions set forth in the temporary dining permits shall be deemed to be modified to reflect the State Rules, as the same are revised from time to time, without further action of the Village. Permittees may continue to utilize public right of way or other public property approved by the Village in the temporary outdoor dining permit, provided that insurance coverage, hold harmless and indemnification agreements remain in full force and effect.

SECTION 5. AMENDMENT. RESOLUTION OF CONFLICTS.

All

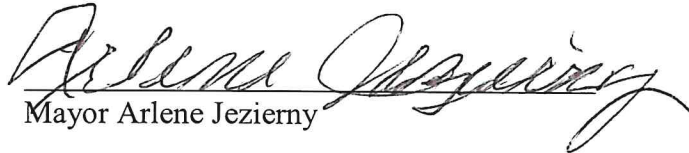
ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. SAVING CLAUSE.

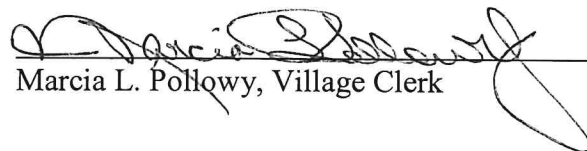
If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

Passed and Approved as amended this 9th day of July, 2020.


Mayor Arlene Jezierny

ATTEST:


Marcia L. Pollowy, Village Clerk

VOTES

AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-13 entitled:

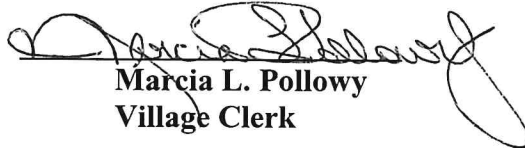
**AN ORDINANCE EXTENDING
TEMPORARY OUTDOOR DINING AND DRINKING PERMIT PROGRAM**

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of July, 2020.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 10th day of July, 2020.


Marcia L. Pollowy
Village Clerk

Corporate Seal

