

EXECUTIVE ORDER NO. 2020-03

AN EXECUTIVE ORDER PERMITTING OUTDOOR DINING AND SERVICE AT RESTAURANTS AND BARS

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on April 6, 2020, the Carbondale City Council adopted Ordinance No. 2020-12 which declared a state of emergency within the City of Carbondale as a result of the COVID-19 Pandemic; and

WHEREAS, on May 5, 2020 Governor Pritzker issued the Restore Illinois Plan in response to the ongoing COVID-19 pandemic which details five distinct phases to reopen the Illinois economy; and

WHEREAS, the Illinois Department of Public Health (IDPH) has determined that the southern region of Illinois, identified as Region 5, has met the criteria to be placed in Phase 3 of the Restore Illinois Plan; and

WHEREAS, as part of Phase 3 restaurants and bars are permitted to have outdoor service areas, subject to IDPH guidelines; and

WHEREAS, I, John M. Henry, do hereby find that it is in the best interest of the citizens of Carbondale to permit restaurants and bars to utilize public and private spaces for outdoor

accommodations, subject to the approval of the City Manager or his designees in accordance with the rules, regulations and guidelines set forth by IDPH.

NOW, THEREFORE, BY THE POWERS VESTED IN ME AS THE MAYOR OF THE CITY OF CARBONDALE, AND PURSUANT TO CARBONDALE ORDINANCE NO. 2020-12 AND TITLE ONE, CHAPTER TWO A, SECTION FIVE AND TITLE ONE, CHAPTER FOURTEEN H, SECTION NINE OF THE CARBONDALE REVISED CODE, I HEREBY ORDER THE FOLLOWING:

SECTION 1. The above recitals are incorporated herein and made a part hereof.

SECTION 2. That pursuant to Phase 3 of the Restore Illinois Plan, all restaurants and bars are permitted to allow outdoor seating, subject to the rules, regulations and guidelines set forth by IDPH.

SECTION 3. The City Manager or his designees may issue temporary encroachment permits for sidewalk Cafés or Class L liquor (Extended Premises) licenses for restaurants and bars to utilize public spaces, public parking, or public right-of-way to accommodate outdoor seating.

SECTION 4. The provisions of 2-4-9 (L) shall be modified to permit all licensees with on premise consumption to utilize either private or public space for extended premises, and shall be permitted during the duration of Phase 3 of the Restore Illinois Plan. The City Manager or his designees shall review and approve all such applications, and there shall be no fee associated with these temporary licenses.

SECTION 5. Restaurants which do not have a license to sell alcoholic beverages and wish to provide outdoor dining on public right-of-way or in a designated public space shall apply for an encroachment permit (sidewalk Café) that shall be valid through the duration of Phase 3 of

the Restore Illinois Plan. The provisions of 17-1-5 shall be amended to permit the utilization of public space that is adjacent to their premises, subject to the approval of the City Manager or his designees there shall be no fee associated with these applications.

SECTION 6. The extended premises permits at Class B1 and B2 licenses shall be limited to no more than 3,000 square feet and occupancy shall be based upon a 15 square feet per person occupancy.

SECTION 7. The permittee or licensee who operates an area designated for a sidewalk Café or an Extended Premises shall be responsible for maintaining the area in a clean and sanitary condition.

SECTION 8. The hours of operations for all sidewalk Cafés shall be 7:00 a.m. until 10:00 p.m. and for Class L licenses shall be 8:00 a.m. until 10:00 p.m.

SECTION 9. No glass or metal beverage containers shall be permitted within an area designated as a sidewalk Café or Extended Premises.

SECTION 10. The City Manager or his designees may temporarily modify or suspend minimum private parking requirements to allow additional space for restaurants and bars to accommodate outdoor seating.

SECTION 11. The City Manager or his designees may waive permit fees to encourage restaurants and bars to secure sidewalk café permits.

SECTION 12. The City Manager or his designees may temporarily modify on-street parking locations to provide restaurant and bars with alternative parking accommodations for customers and may permit parking on unimproved surfaces if owned or leased by the establishment.

SECTION 13. The City Manager or his designee may issue other such regulations that are necessary to further the intent of this order and to comply with regulations and guidelines established by the Illinois Department of Public Health and the Illinois Department of Commerce and Economic Opportunity.

SECTION 14. This executive order shall take effect upon its signing and shall expire on December 31, 2020 unless otherwise extended, repealed, or modified by the Carbondale City Council.

SECTION 15. If any section, clause or provision of this Order be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Order as a whole or any part thereof, other than the part so declared to be invalid, and this Mayor hereby expressly declares that it would have enacted this Order even with the invalid portion deleted.

APPROVED: _____


John M. Henry, Mayor

ATTEST: _____


Jennifer R. Sorrell, City Clerk

