



**RESOLUTION NO. 20200602B**

**A RESOLUTION RATIFYING EXECUTIVE ORDER 2020-02  
(Regarding Outdoor Dining Operations)**

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**WHEREAS**, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, seeks to act pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, on January 31, 2020, the Secretary of HHS declared a public health emergency for the entire United States of America concerning COVID-19; and,

**WHEREAS**, on March 9, 2020, Governor J.B. Pritzker issued a disaster proclamation concerning the spread of COVID-19 in Illinois; and,

**WHEREAS**, on March 11, 2020, the WHO declared that the spread of COVID-19 a global pandemic; and,

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a state of national emergency concerning the above-referenced COVID-19 pandemic; and,

**WHEREAS**, on March 17, 2020, the Village of Sugar Grove declared a local state of emergency/disaster with regard to the COVID-19 pandemic; and,

**WHEREAS**, as a result of the aforesaid declarations, restaurants and bars in Illinois were ordered to cease dining operations; and,

**WHEREAS**, on May 5, 2020, Governor Pritzker released *Restore Illinois*, a five-phased plan to assist in the re-opening of businesses across the state; and,

**WHEREAS**, on May 24, 2020, as part of the Phase 3 *Restore Illinois* plan, the Illinois Department of Commerce and Economic Opportunity (“DCEO”) released *Restaurants & Bars for Outdoor Dining Guidelines*; and,

**WHEREAS**, on May 29, 2020, the Village President issued an executive order establishing certain parameters for outdoor dining in an effort to support the re-opening of the Village’s restaurant establishments during these difficult and unprecedented times; and,

**WHEREAS**, the Village Board of Trustees finds that it is in the best interest of its citizens and local dining establishments to ratify the parameters set forth in Executive Order 2020-02.

**NOW, THEREFORE, BE IT RESOLVED** by the corporate authorities of the Village of Sugar Grove as follows:

**Section One:** That Executive Order 2020-02 is hereby ratified and shall remain in full force and effect in accordance with the terms and conditions set forth therein.

**Section Two:** This Resolution shall be in full force and effect upon passage. Should any section or provision of this Resolution or the adopted policy be declared invalid, the decision shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared to be invalid.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 2<sup>nd</sup> day of June, 2020.

\_\_\_\_\_  
P. Sean Michels  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane  
County, Illinois

ATTEST: \_\_\_\_\_

Alison Murphy, Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Heidi Lendi	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Jen Konen	___	___	___	___
Village President P. Sean Michels	___	___	___	___

**EXECUTIVE ORDER 2020-02**  
**Village of Sugar Grove, Kane County, Illinois**  
**May 29, 2020**

I, P. Sean Michels, as Village President of the Village of Sugar Grove, Kane County, Illinois, do hereby issue this Executive Order for the Village of Sugar Grove this <sup>29<sup>th</sup></sup> day of May, 2020 ("Order"). This Order is issued pursuant to the authority granted pursuant to the Illinois Municipal Code (65 ILCS 5/11-1-6); the Illinois Emergency Management Agency Act (20 ILCS 3305/11); and the Village of Sugar Grove Village Code Section 1-6-8.

**WHEREAS**, on March 17, 2020, the Village of Sugar Grove issued a Proclamation of Local State of Emergency/Disaster and Executive Order and a Resolution Authorizing the Village President to Declare and Extended State of Emergency/Local Disaster; and,

**WHEREAS**, on March 20, 2020, Governor Pritzker implemented a Stay At Home Order which required, amongst other things, the cessation of dine-in services for restaurant establishments; and,

**WHEREAS**, on May 5, 2020, Governor Pritzker issued a five-phase plan for the reopening of the State of Illinois ("Restore Illinois" plan); and,

**WHEREAS**, as part of the Restore Illinois plan, the Governor and the Illinois Department of Commerce & Economic Development ("DCEO") have issued guidelines for the reopening of restaurants for outdoor dining during Phase 3 of the plan and have granted municipalities significant discretion in working with local businesses to facilitate this reopening; and,

**WHEREAS**, the COVID-19 pandemic has impacted all facets of life, and consequently, has created an economic hardship for many of its residents and local businesses; and,

**NOW, THEREFORE**, in accordance with the foregoing, and to respond to this emergency, I find that it is necessary to support the Village's local dining establishments during this difficult and unprecedented time. Accordingly, I hereby direct and order, subject to Village Board ratification, as follows:

- (1) As of the date of this order and the Governor's announcement that the State has moved to Phase 3 of the Restore Illinois plan, local restaurants shall be allowed to commence outdoor dining operations on a temporary basis during Phase 3 of the Restore Illinois plan, in accordance with all applicable laws and regulations, including executive orders and guidelines established by the State of Illinois with regard to the same, and subject to ongoing compliance with all terms and conditions set forth by the Village.
- (2) Outdoor dining facilities already in existence may resume service in accordance with the above-specified terms and conditions, inclusive of abidance with all social distancing requirements. Any local establishment seeking to expand its existing outdoor dining operations or to establish a new outdoor dining area must receive the prior approval of the Village.
- (3) Acting as liquor commissioner, I hereby waive the location restrictions set forth in Section 3-2-12(g) of the Village Code and find that for the duration of the temporary outdoor dining

operations, Class E (Restaurant) liquor license holders may request that the Village review a "change of location" request for its outdoor dining facilities.

- (4) The Village of Sugar Grove expressly reserves the right to terminate or temporarily suspend this authorization at any time for any reason, including, but not limited to, noncompliance with the terms and conditions of this authorization, noncompliance with any applicable law or regulation, including the Restore Illinois plan, or if the use otherwise threatens the public health, safety, and welfare.

This Order shall take effect immediately.



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P. Sean Michels  
Village President, Village of Sugar Grove

Issued by the Village President May <sup>29<sup>th</sup></sup> 27, 2020  
Filed with the Village Clerk May <sup>29<sup>th</sup></sup> 27, 2020.

**OATH**

I, P. Sean Michels, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency/Disaster, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

**NOTARY ACKNOWLEDGMENT**

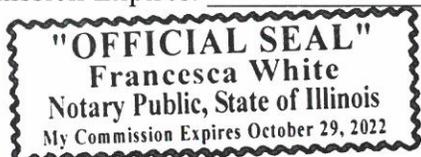
On this <sup>29<sup>th</sup></sup> 27<sup>th</sup> of May, 2020, personally appeared the above-named P. Sean Michels, acting in his capacity as the Village President of the Village of Sugar Grove, and acknowledged the foregoing to be his free act and deed, before me.

*Francesca White*

My Commission Expires: OCT 29, 2022

Notary Public

(Seal)



Print Francesca White

**This Declaration of Local State of Emergency/Disaster shall be filed with the Village Clerk as soon as practicable.**