

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
____ Recommendations of Boards, Commissions & Committees (Green)
____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: October 6, 2020 (B of T) Date: October 15, 2020

TITLE: Ordinances to Extend COVID-19 Executive Orders

BACKGROUND/POLICY IMPLICATIONS:

The attached memo provides information regarding the extension of seven previously issued COVID-19 executive orders by Ordinance. The Ordinances are being proposed to continue the substance of COVID-19 Executive Orders 7, 8, 9, 11, 13, 14 and 15 beyond the return to regular Village Board meetings on October 15th and subsequent cessation of the local declaration of emergency.

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Nicole Aranas, Assistant Village Manager *NKA*
DATE: October 6, 2020
SUBJECT: DISPOSITION OF COVID-19 EXECUTIVE ORDERS

With the resumption of regular meetings on October 15, 2020 and subsequent cessation of the local state of emergency declaration, any previously issued local executive orders will no longer be in effect. Accordingly, this memo provides an overview of the proposed extension of seven local executive orders issued under the COVID-19 emergency declaration by ordinance at the November 15, 2020 Board of Trustees Meeting.

EXTENDED BY ORDINANCE ON OCTOBER 15th

The following executive orders are proposed to be extended by ordinance to be reviewed with a waiver of first reading on the October 15th Board of Trustees Agenda:

The following orders would be extended through the duration of a COVID-19 emergency declaration by the State of Illinois by Ordinance:

- **Executive Order 8** – AN ORDINANCE AMENDING TITLE IX, CHAPTER 94 OF THE LOMBARD VILLAGE CODE IN REGARD TO VIOLATIONS OF GUBERNATORIAL EXECUTIVE ORDERS, IN LIGHT OF THE COVID-19 PANDEMIC
The adoption of local penalties for violations of State of Illinois Gubernatorial Executive Orders in furtherance of the State Disaster Proclamation issued relative to the COVID-19 Pandemic
- **Executive Order 9** – AN ORDINANCE AMENDING TITLE XI, CHAPTER 119, SECTION 119.22 OF THE LOMBARD VILLAGE CODE IN REGARD TO OUTDOOR DINING AREAS ON PRIVATE PROPERTY, IN LIGHT OF THE COVID-19 PANDEMIC
Providing reductions in off-street parking requirements on private property to accommodate outdoor dining in relation to a restaurant with approval of the Community Development Director, for so long as full occupancy indoor dining is prohibited
- **Executive Order 11** – AN ORDINANCE AMENDING TITLE XI, CHAPTER 112 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE SALE OF ALCOHOLIC LIQUOR PACKAGED GOODS AND COCKTAILS TO GO, IN LIGHT OF THE COVID-19 PANDEMIC
Authorization for restaurants with on-premise only liquor licenses to permit the temporary sale of packaged goods sales of alcoholic beverages and cocktails to go for

sales in-person, to-go and by delivery for off-premises consumption, for so long as indoor occupancy for service is prohibited

The following orders would be extended to a date certain by Ordinance:

- **Executive Order 7** – AN ORDINANCE AMENDING TITLE III, CHAPTER 36 OF THE LOMBARD VILLAGE CODE IN REGARD TO LATE FEES, INTEREST AND PENALTIES ON MONETARY AMOUNTS OWED TO THE VILLAGE, IN LIGHT OF THE COVID-19
The suspension of late fees, interest and penalties on monetary amounts due to the Village shall be extended through December 31, 2020.
- **Executive Order 13** – AN ORDINANCE AMENDING TITLE XI, CHAPTER 116 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE EXTENSION OF THE LIFE OF CERTAIN BUSINESS LICENSES, IN LIGHT OF THE COVID-19 PANDEMIC
Extending the expiration of certain business licenses that were up for renewal on July 1, 2020 through December 31, 2020 without additional fee and proration of license renewals shall be extended through December 31, 2020.
- **Executive Order 14** – AN ORDINANCE AMENDING TITLE XV, CHAPTER 153, SECTION 153.237 OF THE LOMBARD VILLAGE CODE IN REGARD TO TEMPORARY SIGNS, IN LIGHT OF THE COVID-19
Authorization of special temporary signage in the B3 Community Shopping District through January 31, 2020
- **Executive Order 15** – AN ORDINANCE AMENDING TITLE XV, CHAPTER 153, SECTION 153.237(A) OF THE LOMBARD VILLAGE CODE IN REGARD TO TEMPORARY CENSUS SIGNS IN THE PARKWAY, IN LIGHT OF THE COVID-19 PANDEMIC
Permitting temporary signage relative to the United States Census to be temporarily placed in the parkway shall be extended to one week following the end of the 2020 Census data collection operations period.

NO FURTHER ACTION/AUTHORITY WILL LAPSE

The following executive orders will not be extended or renewed and accordingly, will no longer have force or effect after October 15, 2020:

- **Executive Order 1** – Ban on peddlers, commercial solicitors and fund solicitors and the issuance of local licenses for peddling and soliciting
- **Executive Order 2** – Temporary suspension of the automatic termination provision of liquor licenses after 45 successive days of closure (closed businesses will be given the opportunity to request an extension individually in lieu of a blanket extension)
- **Executive Order 6** – Permission for limited consumption of alcoholic beverages on South Park Avenue for the Park Avenue Patio

ORDERS PREVIOUSLY SUPERSEDED OR LAPSED

The following executive orders have already lapsed or were superseded by other local executive orders or prior board action and accordingly no further action is being requested:

- Executive Order 3 – Waiver of commuter parking fees and extension of parking permits (ordinance passed)
- Executive Orders 4 and 10 – Providing for packaged good sales of alcoholic beverages (superseded)
- Executive Orders 5 and 12 – 90 days extension of business licenses and proration of license renewals (superseded)
- Executive Order 16 - Extension of building and construction permits (ordinance on agenda for 10/1)

The proposed ordinance above have been prepared in accordance with the extension dates and limits above. Please place them on the October 15, 2020 Board of Trustees agenda with waiver of first reading consistent. These proposed ordinances will become effective immediately upon passage and accordingly require a 2/3 vote of the Corporate Authorities.

Local executive orders may be reviewed in their entirety on the Village website at www.villageoflombard.org/covid19. Please feel free to reach out to with any questions or concerns whatsoever.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE SALE OF ALCOHOLIC LIQUOR PACKAGED GOODS
AND COCKTAILS TO GO,
IN LIGHT OF THE COVID-19 PANDEMIC**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 112 of the Lombard Village Code is amended by adding a new Section 112.41 thereto, which shall read in its entirety as follows:

“§ 112.41 Packaged Goods and Cocktails To Go Sales. Local liquor license holders, that are prevented from providing full occupancy indoor on-premises consumption of food or alcoholic beverages, as a result of Executive Orders issued by the Governor of the State of Illinois, in furtherance of the Governor’s issuance of a Disaster Proclamation relative to the COVID-19 pandemic (the “Governor’s Executive Orders”), may temporarily conduct packaged goods sales of alcoholic beverages “in-person,” on a “to-go” basis, and by delivery, for off-premises consumption, for so long as the full occupancy indoor on-premises consumption of food or alcoholic beverages is prevented by the Governor’s Executive Orders. The alcoholic beverages which may be sold for off-premises consumption shall be limited to only those types of alcoholic beverages which are authorized by the current local liquor license class of the liquor licensee for on-premises consumption. All alcoholic beverages sold pursuant to this Section shall be packaged goods corked, capped, sealed and labeled by the manufacturer of the alcoholic liquor, sold in said corked, capped, sealed and labeled condition, for consumption at a location other than the premises where sold, consistent with the definition of packaged goods as set forth in Section 112.02 of this Code. Notwithstanding the foregoing sentence, pursuant to 235 ILCS 5/6-28.8, relative to the sale of cocktails and mixed drinks for off-premises consumption, local liquor license holders, that are prevented from providing full occupancy indoor on-premises consumption of food or alcoholic beverages, as a result of the Governor’s Executive Orders, may temporarily conduct the sale of cocktails and mixed drinks “in-person,” on a “to-go” basis, and by delivery, for off-premises consumption, in full compliance with the provisions of 235 ILCS 5/6-28.8, for so long as the full occupancy

indoor on-premises consumption of food or alcoholic beverages is prevented by the Governor's Executive Orders. The authority granted by this Section shall immediately cease upon the resumption of the ability of the local liquor licensee to sell food and alcoholic beverages for consumption indoors on the licensed premises, based on the full occupancy of the licensed premises."

SECTION 2: That, in light of the fact that Executive Order No. 2020-11 of the Village President, covering the topic of this Ordinance, will terminate as of the adjournment of the October 15, 2020 Village Board meeting, and, therefore, the provisions of this Ordinance need to take effect immediately upon the passage and approval of this Ordinance, so as to keep the provisions set forth in said Executive Order No. 2020-11 in effect, this Ordinance shall be in full force and effect from and after its passage and approval by a two-thirds (2/3rds) vote of the members of the Corporate Authorities holding office as of the date of this Ordinance, as provided by law.

Passed on first reading this _____ day of _____, 2020.

First reading waived by action of the Board of Trustees this 15th day of October, 2020.

Passed on second reading this 15th day of October, 2020, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 15th day of October, 2020.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk