EXECUTIVE ORDER NO. 20-4

EXECUTIVE ORDER ALLOWING TEMPORARY OUTDOOR DINING AND CONSUMPTION OF ALCOHOL FOR RESTAURANTS IN THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS (COVID-19 – May 22, 2020)

WHEREAS, the Village of Carol Stream ("Village") is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation in the State of Illinois related to the outbreak of Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a nationwide emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 52 U.S.C. 5121, et seq., related to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the President of the DuPage County Board of Commissioners issued a disaster proclamation in DuPage County, Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 29, 2020 the President of the United States extended the federal social distancing guidelines until April 30, 2020; and

WHEREAS, on March 31, 2020 and April 30, 2020, The Governor of the State of Illinois extended his “stay at home” Executive Order until May 30, 2020; and

WHEREAS, COVID-19 continues to be a dangerous disease which has spread around the world, including in the United States, the State of Illinois and DuPage County and is a direct and serious threat to the public’s health, safety and welfare; and

WHEREAS, COVID-19 pandemic is a contagious disease that is likely to cause loss of life, loss of productivity, hardship and suffering to persons residing in and around the Village and constitutes a disaster; and

WHEREAS, an extension of the declaration of disaster and state of civil emergency in the Village originally issued on March 19, 2020 was extended by the Village Board on May 18, 2020 through Ordinance 2020-05-12 and is necessary in order to allow the Village to assist in preventing the loss of life and injuries, alleviating damages, loss, hardship and suffering related to the COVID-19 pandemic;
WHEREAS, Ordinance 2020-05-12 found the COVID-19 pandemic continues to constitute a disaster and that the state of civil emergency within the Village and extended the State of Emergency until the earlier of:

   a. The end of the Governor of the State of Illinois’ disaster proclamation regarding COVID-19;
   b. Repeal of this Ordinance by the Mayor and Board of Trustees or by executive order of the Mayor;
   c. This Ordinance being superseded by State law or an executive order of the Governor of the State of Illinois.

WHEREAS, On May 5, 2020, the Governor announced Restore Illinois, a 5-Phase Plan to allow the reopening of Illinois;

WHEREAS, On May 20, 2020 the Governor announced the inclusion of restaurant outdoor dining into Phase 3 of the Restore Illinois Plan;

WHEREAS, The Governor anticipates implementation of Phase 3 of the Restore Illinois Plan on May 29, 2020;

NOW, THEREFORE, BE IT DECLARED, under oath by the Mayor of the Village of Carol Stream, DuPage County, Illinois:

SECTION 1: Incorporation. That the recitals above shall be and are incorporated in this Section 1 as if restated herein.

SECTION 2: Declaration of Intent. It is hereby determined that allowing, on a temporary basis, restaurant outdoor dining with certain restrictions including but not limited to requiring social distancing, appropriate and safe pedestrian paths appropriate measures to protecting outdoor dining patrons from vehicular traffic hazards will assist restaurants to recover economically during this State of Emergency.

SECTION 3: Temporary Outdoor Dining for Restaurants. Pursuant to the authority granted to the Mayor by law and in accordance with the Governor’s Executive Orders and the Illinois Department of Public Health Regulations for Restaurant Outdoor Dining it is hereby proclaimed that restaurant outdoor dining will be temporarily allowed by permit, in conformance with the standards and guidelines set forth in Exhibit A “Temporary Outdoor Seating Information Guide and Regulations.”

SECTION 4: Temporary Outdoor Consumption of Alcohol for Restaurants. Pursuant to the authority granted to the Mayor by law, it is hereby proclaimed that Class A, B, F, N or T liquor license holders who currently have an outdoor seating permit or who are granted a temporary outdoor dining permit may serve alcohol in conjunction with restaurant outdoor dining in conformance with the standards and guidelines set forth in Exhibit A “Temporary Outdoor Seating Information Guide and Regulations” and any associated Governor’s Executive Order and Illinois Department of Public Health Regulations for Outdoor Dining.
SECTION 5: Duration. Any temporary permit for outdoor dining shall expire upon the earlier of:
   a. The end of the Governor of the State of Illinois’ disaster proclamation regarding COVID-19;
   b. Repeal of this Executive Order by an ordinance of the Mayor and Board of Trustees or by executive order of the Mayor;
   c. This Executive Order being superseded by State law or an executive order of the Governor of the State of Illinois.

SECTION 6: Filing. That this declaration shall be filed with the Village Clerk upon its execution by the Mayor.

Matthew McCarthy, Mayor Pro Tem

Subscribed and sworn to before me this 22nd day of May, 2020.

Notary Public

[Seal]