

VILLAGE OF LONG GROVE

ORDINANCE NO. 2020-___

**AN ORDINANCE AMENDING THE LONG GROVE VILLAGE CODE
REGARDING SPECIAL EVENT PERMITS ASSOCIATED WITH
COVID-19 RE-OPENING PROTOCOLS**

WHEREAS, the Village of Long Grove (the "**Village**") is an Illinois municipality created and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, pursuant to Section 1-1-6 of the Illinois Municipal Code, the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (the "**IEMAA**"), AND Section 1-5-3 of the Long Grove Village Code (the "**Village Code**"), the Village President is authorized to exercise various powers in order to address the exigencies of emergency conditions; and

WHEREAS, Illinois Governor J.B. Pritzker has issued a proclamation of disaster within Illinois as a result of the COVID-19 pandemic; and

WHEREAS, Governor Pritzker has issued "Restore Illinois: A Public Health Approach to Safely Reopen Our State" and various executive orders (including anticipated future executive orders) (collectively, the "**Re-Opening Plan**"), which is anticipated to authorize the re-opening of restaurants and other businesses subject to various restrictions; and

WHEREAS, the Long Grove Board of Trustees (the "**Village Board**"), in anticipation of conditions that may relate to the re-opening of restaurants under the Re-Opening Plan, desires to create a flexible and expedited mechanism for allowing and assisting Long Grove restaurants to operate within the limitations of the Re-Opening Plan; and

WHEREAS, the Village Board has determined that the existing procedures for the issuance of special event permits is an appropriate mechanism for assisting Long Grove restaurants to operate within the limitations of the Re-Opening Plan, subject to the modifications set forth in this Ordinance; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village and its residents to amend the Village Code to facilitate the re-opening of Long Grove restaurants and to ensure their safe operations in accordance with the Re-Opening Plan and COVID-19 related health and safety protocols;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, AND STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are incorporated herein as if fully set forth.

SECTION TWO: **Amending Title I, Chapter 5 of the Village Code.** Section 1-5-3, entitled “Emergency and Disaster Situations,” of Chapter 5, entitled “Village President and Board of Trustees,” of Title I, entitled “Administration,” of the Village Code shall be and is hereby amended so that said Section 1-5-3 shall hereafter be and read as follows:

§ 1-5-3 **Emergency and disaster situations.**

(a) During a state of emergency as established in Subsection (b) of this Section, the Village President (or the President’s designee as hereinafter provided) may exercise by executive order extraordinary power and authority on behalf of the Village pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(b) In the event of **(i)** a **gubernatorial** declaration of disaster affecting the Village as provided in the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.) (“IEMAA”), or **(ii)** ~~in the event of~~ any circumstance of the nature of a disaster as defined in 20 ILCS 3305/4 (the “Standards”), the Village President may declare that a state of emergency exists by signing, under oath, a statement finding that such Standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists. Such statement shall be filed with the Village Clerk as soon as practicable. Appropriate steps shall be taken to disseminate information regarding such state of emergency to other members of the corporate authorities, as well as the Village administrative staff. In addition, the Village President (or the President’s designee) will make good faith efforts to notify the members of the corporate authorities via email of all decisions or actions taken under this act.

(c) The powers set forth in Subsections (a) and (b) of this Section shall be exercised by the Village President, or, in the event of the President's incapacity, the most senior Trustee who is not incapacitated, To the extent that multiple Trustees have similar seniority, the most senior Trustee who received the most votes at the last election shall be deemed most senior.

(d) A state of emergency, declared as provided in this Section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

(e) Nothing in Subsections (a) – (d) of this Section shall be deemed to limit authority otherwise available under the IEMAA and Chapter 2 of Title II of the Village Code.

(f) Whenever the Standards described in Subsection (b)(i) above exist, and irrespective of any declaration of a state of emergency by the Village President, the Village Board hereby authorizes the Village President to approve special event permits for so long as the Subsection (b)(i) Standards are extant, and subject to the following terms and conditions (and notwithstanding customary requirements for special event permit):

- i. **The special event permit may only be issued for property that the applicant is authorized to occupy or for Village property;**
- ii. **The applicant shall meet all standard qualifications for a special event permit, except that:**
 - A. **The Village President may authorize relief from the strict restrictions and requirements of any applicant's previously authorized liquor license, including without limitation the scope of the licensed premises;**
 - B. **The Village President may authorize and allocate use of Village property for purposes of facilitating the special event permit, notwithstanding any customary use of Village property;**
 - C. **The Village President may allow outdoor restaurant activities, and to authorize such outdoor restaurant activities to be located and oriented in a fashion that satisfies applicable public health standards and protocols, notwithstanding any technical noncompliance with other applicable requirements of the Village Code;**
 - D. **The Village President may issue separate but coordinated special event permits to allow multiple applicants to combine resources in a manner that preserves the public health, safety, and welfare while achieving cost-savings to the applicants;**

- iii. The Village President may condition such special event permit on such conditions that the Village President determines are necessary and appropriate to protect the public health, safety, and welfare, and to minimize noise and other impacts that may adversely affect the peaceable use of neighboring properties;
- iv. The Village President may waive any fees typically associated with special event permits;
- v. The Village President shall have the right to terminate immediately any special event permit issued under this Subsection 1-5-3(f) for violation of the terms of this Section or the conditions of the permit;
- vi. The Village President shall have the right to modify the conditions of any special event permit issued under this Subsection 1-5-3(f) to ensure ongoing compliance with the Legal Requirements as hereinafter defined;
- vii. The applicant shall be subject to and must comply with all applicable laws, ordinances, rules, and regulations, including the securing of any required permits or approvals thereunder and compliance with all health regulations issued in connection with the Subsection (b)(i) Standards (the “Legal Requirements”);
- viii. The special event permit shall be for a period of not exceeding 120 days, provided, however, that (A) the Village President may renew or extend any special event permit, and (B) the Village President may terminate any special event permit without cause upon 72-hour notice to the applicant.

In exercising the powers and authority granted under this Subsection 1-5-3(f), the Village President may tailor the conditions on the special event permit as necessary but with the objective to apply such conditions in a manner to effect uniformity of treatment among various applicants for special event permits. In addition, any person aggrieved by the issuance of a special event permit pursuant to this Section 1-5-3(f) may petition the Village Board, and the Village Board (with or without such petition) reserves the right to revoke or suspend any special event permit issued under this Subsection 1-5-3(f) by adoption of a resolution therefor.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS ____ DAY of MAY, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS _____ DAY of MAY, 2020.

Village President

ATTEST:

Village Clerk

DRAFT