

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Resolution #R-21-09 A RESOLUTION AUTHORIZING TEMPORARY OUTDOOR RESTAURANT DINING AND SERVICE

Passed by The City of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 18th day of March, 2021.



Lynn Curiale, City Clerk

SEAL



Resolution #R-21-09

**A RESOLUTION AUTHORIZING TEMPORARY OUTDOOR RESTAURANT
DINING AND SERVICE**

Passed: March 18, 2021
Published in Pamphlet Form: March 19, 2021

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the
attached Resolution is a true and correct copy of **#R-21-09**
**A RESOLUTION AUTHORIZING TEMPORARY OUTDOOR RESTAURANT
DINING AND SERVICE**

Passed and approved by the City Council of the City of Wood Dale on March 18, 2021
and hereby published in pamphlet on March 19, 2021.



Lynn Curiale, City Clerk

SEAL



RESOLUTION R-21- 09

**A RESOLUTION AUTHORIZING TEMPORARY
OUTDOOR RESTAURANT DINING AND SERVICE**

WHEREAS, the City is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances and resolutions and to enter into agreements pertaining to the public health, safety and welfare; and

WHEREAS, the City Council possesses full authority to approve and pass all necessary ordinances, resolutions, rules, regulations and agreements necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

WHEREAS, the City Council of the City is the corporate authority for the City and is authorized by law to exercise all powers and to control the affairs of the City; and

WHEREAS, the COVID-19 virus was declared a Pandemic by the World Health Organization in the early Spring of 2020; and

WHEREAS, accordingly, the Governor of the State of Illinois declared a State-wide emergency concerning this pandemic; and

WHEREAS, the DuPage County Board Chairman also issued a Disaster Proclamation affecting all of DuPage County; and

WHEREAS, pursuant to the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.* (the "Act"), on March 16, 2020, the Mayor of the City declared a local disaster emergency in the City due to the COVID-19 Pandemic, which was ratified by the City Council on March 19, 2020; and

WHEREAS, due to the significant continuing health threat posed by the COVID-19 pandemic to the local community, the City Council (hereinafter referred to as "City Council") has determined that it continues to be in the best interests of the health and safety of the City to accommodate the opening of bars and restaurants for outdoor dining or service, generally in accordance with the Governor's *Restore Illinois Plan*; and

WHEREAS, the City Council supports the temporary outdoor dining or service, to provide assistance to local businesses; and

WHEREAS, the current City Code does not currently allow for certain outdoor activities, utilizing parking for bar and restaurant activities and other matters which local

businesses would need to have in order to avail themselves of outdoor dining or service; and

WHEREAS, the City Council previously determined that it is in the best interest of the residents and the businesses that are eligible for outdoor dining or service to provide temporary relief from the City Code, without permanently amending said Code, to accommodate this unique and continuing, but temporary, situation; and

WHEREAS, in furtherance of the Mayor's Emergency Proclamation, the Mayor and the City Council are again supplementing said Proclamation to again accommodate outdoor dining or service and provide the Guidelines and restrictions for the provision of outdoor dining or service; and

WHEREAS, the City Council recognizes that certain of the establishments in the City which are eligible, may require changes to their operation in order to accommodate outdoor dining or service, which changes may be at a cost to these businesses, which have been intentionally closed or operating at restricted capacity during the Pandemic; and

WHEREAS, the City Council has agreed to provide a second Grant for reimbursement of those eligible costs necessary to allow these businesses to provide outdoor dining and service; and

WHEREAS, the City Council deems it in the best interest of the City to memorialize the City Guidelines for reopening these establishments and the Grant Program for reimbursement of said eligible expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WOOD DALE, DUPAGE COUNTY, AN ILLINOIS MUNICIPAL CORPORATION, as follows:

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

SECTION 2: The City Council hereby consents to supplementing the Declaration of a Local Disaster Emergency in the City to again allow for outdoor dining or service at those establishments within the City limits eligible for said outdoor dining or service.

SECTION 3: Outdoor Dining or Service Requirements/Restrictions.

Those establishments eligible for outdoor dining or service are permitted to have outdoor dining or service under the conditions set forth herein, only during the time this authorization remains in place.

A. Use of Premises. Eligible establishments may use a portion of the parking lot and area adjacent to the parking lot to any premises for outdoor dining or service. Said use of the area is subject to any restrictions imposed by the Property Owner,

Landlord, Condominium Association, or any such other restrictions encumbering the premises, along with any safety measures necessary to protect the health, safety and welfare of the public.

Temporary signs designating the outdoor area, hours of operation and other information relative to the outdoor dining or service, will be allowed, provided said signage does not otherwise create a safety hazard or block sight lines. Any and all electrical service, outlets or connections must meet all Electric Code requirements.

B. Capacity. Each establishment providing outdoor dining or service shall limit the capacity of the outdoor dining or service area to that which the outdoor space can safely accommodate, being mindful and compliant with Social Distancing Guidelines. The positioning of chairs, tables and other seating areas shall be spaced so as to comply with said Guidelines, with the exception of members of a single household.

C. Restroom Facilities. Each establishment providing outdoor dining or service may use the restroom facilities within the building on the premises. The establishment shall restrict the number of individuals allowed in the building at any given time and shall place the appropriate markings on the floor leading to the restroom facilities with a distance of 6 feet between said markings.

D. Parking. Each establishment providing outdoor dining or service shall reserve and maintain sufficient parking to accommodate the capacity allowed for the size and configuration of the establishment. The parking shall be sufficient for the Patrons served in the outdoor area, without causing any disruption to traffic and must be done in compliance with the Illinois Motor Vehicle Code.

Existing handicapped parking must be maintained at all times, unless suitable arrangements are made to relocate said handicapped parking to accommodate the outdoor dining or service, provided said handicapped parking is in accordance with the Americans with Disabilities and all State and Federal requirements.

E. Outdoor Area Segregated. The area permitted for outdoor dining or service must be segregated from vehicular traffic through suitable means and the ingress and egress to the outdoor area must be restricted to patrons to access said facility. The establishment shall be responsible for complying with all State and local regulations.

F. Outdoor Seating. Each establishment may provide outdoor seating, including dining and other tables to accommodate the outdoor dining or service, including erecting tents or other coverings. Tents in excess of 400 square feet are prohibited. All tents, coverings, chairs, tables and other items must be secured against any weather or other occurrences. The establishment assumes all responsibility for the items utilized for outdoor dining or service and releases and holds the City harmless for

any injuries, accidents or claims resulting from the use of the establishment for outdoor dining or service.

G. Noise/Music. The City recognizes that with the outdoor dining or service, there will necessarily be an increase in noise level and volume which could impact the surrounding neighborhood or area. Any music or other activities on the premises shall be conducted in accordance with the City's current sound regulations and all music must cease by 9:00 p.m.

H. Compliance with Guidelines. Each establishment shall be required to comply with the terms and conditions of this Emergency Proclamation Supplement, and any subsequent Supplements, along with Guidelines provided for in the Governor's Orders, the Governor's *Restore Illinois Plan*, the Illinois Department of Public Health Regulations and the Center for Disease Control Guidelines, as any such are amended, from time to time, to accommodate this fluid situation and to ensure the protection of the health, safety and welfare of the Residents and City.

I. Grant Program. The City has established a Grant Program which provides a cost-sharing for a one-time Grant, not to exceed \$2,500, for any establishment providing outdoor dining or service within the City limits.

In order to qualify for said Grant, the Applicant must be an authorized establishment in the City and in good standing. The establishment must provide outdoor dining or service.

The Grant is designed to reimburse said establishments for up to fifty percent (50%) of the additional costs associated with outdoor dining or service, up to a maximum of \$2,500 per establishment. Said costs include, but are not limited to, tents, chairs, tables, barricades, signage, outdoor set-ups and such other costs as may be reasonably necessary to provide outdoor dining or service.

The Applicant must submit an Application, along with paid receipts for said eligible expenses to the Finance Director of the City at bwilson@wooddale.com. The City will reimburse the Applicant for those eligible expenses approved by the City. The Applicant, as a condition of receipt of said reimbursement, holds the City, its elected officials, employees and attorneys harmless for any claims arising out of the use of said Grant funds. The City reserves the right to deny any costs it deems unrelated to outdoor dining or service. The City further reserves the right to discontinue the Grant Program at any time, without notice.

J. Miscellaneous. Nothing herein shall prevent the City from otherwise exercising its general police powers to ensure the health, safety and welfare of the Residents and the City. The City reserves the right to amend, modify or terminate any or all provisions hereof to comply with any Executive Orders, Center for Disease Control Guidelines, Illinois Department of Public Health Regulations or any other reason which the City believes will further the best interests of the Residents and the City.

It shall be the responsibility of the establishment to fully comply with all Center for Disease Control, Illinois Department of Public Health Rules, the DuPage County Health Department Regulations, State statute and the Wood Dale City Code.

SECTION 4: The Mayor, City Manager, City Clerk or Deputy Clerk, Staff, and/or the City Attorney shall take all the steps necessary to publicize and enforce this continued declaration.

SECTION 5: All ordinances and resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 6: This Resolution shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

PASSED this 18th day of March, 2021

AYES: 7

NAYS: 0

ABSENT: R. Wesley

APPROVED this 18th day of March, 2021

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Lynn Curiale
Lynn Curiale, City Clerk