

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-21-18 A RESOLUTION AUTHORIZING TEMPORARY SEASONAL OUTDOOR STRUCTURES FOR 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 15th day of April, 2021.



Lynn Curiale, City Clerk



Resolution #R-21-18

**A RESOLUTION AUTHORIZING TEMPORARY SEASONAL OUTDOOR
STRUCTURES FOR RESTAURANT DINING AND SERVICE**

Passed: April 15, 2021
Published in Pamphlet Form: April 16, 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-21-18**

**A RESOLUTION AUTHORIZING TEMPORARY SEASONAL OUTDOOR
STRUCTURES FOR RESTAURANT DINING AND SERVICE**

Passed and approved by the City Council of the City of Wood Dale on April 15, 2021 and
hereby published in pamphlet on April 16, 2021.



Lynn Curiale, City Clerk



RESOLUTION R-21-18

**A RESOLUTION AUTHORIZING TEMPORARY SEASONAL
OUTDOOR STRUCTURES FOR 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, which has continued while vaccines are being administered; and

WHEREAS, the DuPage County Board Chairman also issued a Disaster Proclamation affecting all of DuPage County, which conditions continue to impose certain restrictions; 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 City Code does not allow for outdoor structures for bar and restaurant activities and other matters which some 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 not have the accommodations to provide outdoor dining or service which may require the use of temporary outdoor seasonal accessory structures in order to accommodate outdoor dining or service, which have been closed or operating at restricted capacity during the Pandemic; and

WHEREAS, the City Council has agreed to authorize the use of outdoor seasonal accessory structures 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 outdoor seasonal accessory structures.

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 permit the use of outdoor seasonal accessory structures to allow for outdoor dining or service at those establishments within the City limits eligible for said outdoor dining or service, which structures must be Permitted by the City and must comply with all requirements of said Permit, including the safety requirements and Permit Fees.

SECTION 3: Requirements for Outdoor Seasonal Accessory Structures.

Those establishments eligible for outdoor dining or service are permitted to have outdoor seasonal accessory structures 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 seasonal accessory structures. Said use of the area is subject to any restrictions imposed by the Permit requirements and any such 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.

B. Capacity. Each establishment utilizing an outdoor seasonal accessory structure shall limit the capacity to that which the structure 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.

C. Outdoor Area Segregated. The area permitted for the outdoor seasonal accessory structure 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.

The establishment assumes all responsibility for the use of the outdoor seasonal accessory structure 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.

D. Permit Required Any eligible establishment seeking authorization for a outdoor seasonal accessory structure must submit a Permit, along with the required documentation and Permit Fees to the City. The establishment, as a condition of being issued a Permit for an outdoor seasonal accessory structure, holds the City, its elected officials, employees and attorneys harmless for any claims arising out of the use of said structure. The City reserves the right to deny any Permit it deems unrelated to outdoor dining or service. The City further reserves the right to discontinue the temporary authorization of outdoor seasonal accessory structure at any time, without notice.

E. 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 Guidelines, Illinois Department of Public Health Regulations, the DuPage County Health Department Regulations, state statutes 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 15th day of April, 2021

AYES: 6

NAYS: 0

ABSENT: Alderman Susmarski, R. Wesley

APPROVED this 15th day of April, 2021

SIGNED: Annunziato Pulice
Annunziato Pulice, Mayor

ATTEST: Lynn Curiale
Lynn Curiale, City Clerk