

EXECUTIVE ORDER NO. 20-4

**EXECUTIVE ORDER ALLOWING TEMPORARY OUTDOOR DINING AND
CONSUMPTION OF ALCOHOL FOR RESTAURANTS IN THE
VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS
(COVID-19 – May 24, 2020)**

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, COVID-19, also known as the “novel coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Lake County; and

WHEREAS, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; 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 Lake County Board of Commissioners issued a disaster proclamation in Lake County, Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic, and on March 20, 2020, the Governor issued a statewide stay-at-home order aimed at stopping the spread of COVID-19; 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 30, 2020, the President of the United States of America recommended the country continue the practice of “social distancing” through April 30, 2020, including avoiding gatherings greater than ten (10) persons at a time, and limiting travel outside of the home for essential purposes only; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois extended the statewide stay-at-home order aimed at stopping the spread of COVID-19 to May 29, 2020; 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 or doing business in and around the Village; and

WHEREAS, Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides that the corporate authorities of the Village of Vernon Hills may grant the Village President the extraordinary power and authority to exercise, by executive order during a state of emergency, such of the powers of the Village's corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, on Thursday, March 19, 2020, the Village President and Board of Trustees adopted an ordinance entitled "An Ordinance Amending the Vernon Hills Village Code With Regard to the Village President's Authority to Declare a State of Emergency Pursuant to 65 ILCS 5/11-1-6" which created new Section 6-2 of the Village Code of Ordinances, entitled "Village President's Authority to Declare a State of Emergency," authorizing the Village President to declare a state of emergency in the Village pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

WHEREAS, on March 19, 2020, the Village President signed the initial Declaration of Emergency 20-1, declaring a state of emergency in the Village of Vernon Hills which was most recently extended on May 19, 2020 by Declaration 20-05; and

WHEREAS, as of the time of the signing of Declaration 20-05, the Village President has determined that the state of emergency originally declared on March 19, 2020 has not been resolved and that all of the findings made in Declaration of Emergency 20-01 supporting the need for a Declaration of Emergency are remade for purposes of this Declaration 20-05; 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 Lake 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 or doing business in and around the Village and constitutes a disaster; and

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

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

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

NOW, THEREFORE, by the powers vested in me as the Village President of the Village of Vernon Hills, and pursuant to Section 11-1-1 (Police Powers) and Section 11-1-6 (Extraordinary Powers; Executive Orders and State of Emergency) of the Illinois Municipal Code (65 ILCS 5/11-1-1 and 5/11-1-6); Vernon Hills Ordinance 2020-025; and the Village President of Vernon Hills' Declaration of a Local State of Emergency and Disaster 20-5 , I order the following:

SECTION 1: Recitals. The Recitals set forth above are found to be true and correct and are incorporated herein and made part hereof in their entirety by reference as though fully set forth in this Section.

SECTION 2: Temporary Outdoor Dining for Restaurants. Pursuant to the authority granted to the Village President 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 3: Temporary Outdoor Consumption of Alcohol for Restaurants. Pursuant to the authority granted to the Village President by law, it is hereby proclaimed that Class A and E 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.

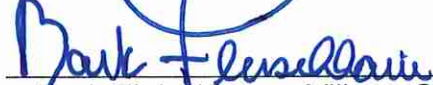
SECTION 4: Duration. Any temporary permit for outdoor dining shall expire upon the earlier of:

- 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; or
- c. This Executive Order being superseded by State law or an executive order of the Governor of the State of Illinois.

SECTION 5: Filing. That this declaration shall be filed with the Village Clerk upon its execution by the Mayor.



Roger Byrne-Village President



Mark Fleischhauer-Village Clerk