

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #496H

An Ordinance Providing for Temporary Relief from the Full Requirements of Section 98-12(a)(3) of the
City of Belvidere Municipal Code for Fiscal Year 2021 (5/1/2020-4/30/2021)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 1st DAY OF JUNE 2020.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 2nd DAY OF JUNE 2020.

Published in Pamphlet Form this 2nd day of June 2020.

ORDINANCE #496H
AN ORDINANCE PROVIDING FOR TEMPORARY RELIEF
FROM THE FULL REQUIREMENTS OF SECTION 98-12(a)(3)
OF THE CITY OF BELVIDERE MUNICIPAL CODE
FOR FISCAL YEAR 2021 (5/1/2020 – 4/30/2021)

WHEREAS, The Corporate Authorities of the City of Belvidere previously enacted Section 98-12(a)(3) of the City of Belvidere Municipal Code to allow Sidewalk Café allowing for Sidewalk Café's within the City of Belvidere and placing certain restrictions upon their operations; and

WHEREAS, The Governor of the State of Illinois, pursuant to his executive powers, has ordered the phased reopening of the Illinois economy in response to the COVID-19 pandemic; and

WHEREAS, as a part of that phased approach, stage three allows the opening of restaurants and bars for outdoor seating only in accordance with guidelines and rules promulgated by the Illinois Department of Commerce and Economic Opportunity (DECO); and

WHEREAS, the Corporate Authorities of the City of Belvidere desire to assist restaurants and bars in reopening in compliance with the Governor's Executive Orders and the Guidelines and rules of promulgated by DECO as well as relevant health departments and officials, including but not limited to, the Boone County Health Department; and

WHEREAS, the Corporate Authorities find that it is essential and urgent that this Ordinance take effect immediately upon its passage to comply with the Governor's and DCEO's orders relating to outside dining and to provide a mechanism for as many City restaurants and bars to reopen as quickly as possible thus helping to preserve jobs and businesses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvidere as follows:

SECTION 1: The foregoing recitals are incorporated herein by this reference.

SECTION 2: The \$75.00 application fee required by section 98-12(a)(3)(a) is waived for fiscal year 2021.

SECTION 3: The size requirements of Section 98-12(a)(3)(b)(4) as follows: Activities shall provide for a minimum pedestrian width of four (4) feet at all times. No part of the Sidewalk Café shall be closer than three (3) feet of the vehicle right of way (curb). No activities of the Sidewalk Café my block or impede pedestrian traffic along the sidewalk, or ingress and egress to the business it fronts or neighboring businesses.

SECTION 4: Section 98-12(a)(3)(h) is modified to provide that the permitted sidewalk café must comply with all restrictions, regulations and laws of the Boone County Health Department, DCEO, Executive Orders of the Governor of the State of Illinois, orders and regulations of either the Belvidere Local Liquor Commissioner or the State of Illinois Liquor Commission and any other lawful law or regulation. The Guidelines and Toolkit published by DCEO, and as they may be amended in the future, are hereby adopted and incorporated in this ordinance as if fully set forth.

SECTION 5: Section 98-12(a)(3)(I) is modified to provide that Sidewalk Cafés must cooperate and allow inspection at any reasonable hour by any employee or agent of the City or by any State of Illinois or Boone County agency with regulatory authority.

SECTION 6: Section 98-12(a)(3)(n)(1) is modified to provide that the supplied dram shop insurance shall name the City of Belvidere as an additional insured and shall specifically note coverage for the area of the Sidewalk Café.

SECTION 7: Section 98-12(a)(3)(n)(4), prohibiting a Sidewalk Café to allow consumption of alcohol where at least 50% of revenue is derived from the sale of food for consumption on premises and requiring alcohol service incidental to the provision of food only, shall not be applicable nor enforced during fiscal year 2021.

SECTION 8: Section 98-12(a)(3)(n)(5), allowing the requirement of a beautification project as a condition of receiving permission for sale and consumption of alcohol in a sidewalk café is not applicable or enforceable during fiscal year 2021.

SECTION 9: Section 98-12(a)(3)(n)(6) is amended to read as follows: *Any Sidewalk Café with specific permission to serve alcoholic beverages shall enclose the permitted area from the remainder of the public way, and be maintained in accordance with a plan reasonably approved by the City. The boundary shall be no less than 24 inches or more than 36 inches in height. The boundary shall be durable so that it shall not collapse or fall over due to wind or incidental contact with patrons or pedestrians. The boundary may have movable sections to aid in public access to seating as long as the boundary complies with the submitted plan. The boundary shall be maintained in place during operating hours. No boundary may be stabilized by bolting to the sidewalk. Non-permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but is not limited to, parking meters, fire hydrants, and utility or signal control boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services. The sidewalk Café serving alcohol shall be located in accordance with Section 98-12(a)(3)(b)(4).*

SECTION 10: The remainder of Section 98-12, as well as all other codes and regulations of the City of Belvidere, shall remain in full force and effect.

SECTION 11: The modifications to Section 98-12 of the Belvidere Municipal Code set forth in this Ordinance are specifically allowed in response to the

Executive Orders of the Illinois Governor in relation to the COVID-19 Pandemic and are solely intended for a limited duration. The modifications provided herein shall cease upon the expiration of the Sidewalk Café permits issued for Fiscal Year 2021 which is November 1, 2020. Thereafter, all permitted Sidewalk Café's shall comply Section 98-12 in its entirety without regard to this Ordinance.

SECTION 12: Violation of any of the laws, regulations rules or orders, including but not limited to the DCEO Guidelines and Toolkit referenced in this Ordinance shall constitute a nuisance and may be enforced as a violation of this Ordinance in accordance with section 98-12(b). Suspension or revocation of sidewalk café permits for a violation of this Ordinance or any other City Code or Ordinance shall be in accordance with Section 98-12(b) and Section 26-43 of the City of Belvidere Municipal Code.

SECTION 13: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.


SECTION 14: This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor. The Clerk shall nonetheless publish this Ordinance in pamphlet form as required by law.

Voting Aye: Stevens, Fleury, Arevalo, Brereton, Frank, Freeman, McGee, Porter, and Snow.

Voting Nay: None.

Absent: Ratcliffe.

APPROVED:



Mayor Michael W. Chamberlain

ATTEST: 

City Clerk Sarah Turnipseed

(SEAL)

Passed: June 1, 2020

Approved: June 2, 2020

Published: June 2, 2020

AFFIDVAIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)


Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #496H of the City of Belvidere, Illinois, in pamphlet form on June 2, 2020, and as a convenience for the public; I posted the pamphlet form of Ordinance #496H in the lobby of Belvidere City Hall at 401 Whitney Blvd., Belvidere, Illinois; said location being readily visible by the public.



Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 2nd day of June, 2020.



Notary Public