



# VILLAGE OF Diamond

## TEMPORARY EMERGENCY ORDER 2020-01; ALLOWING THE OFF-SITE CONSUMPTION OF ALCOHOL AND FOOD IN AN OUTDOOR AREA ADJACENT TO THE LICENSES PREMISES

**WHEREAS**, as the Local Liquor Commissioner, the Mayor has the authority to adopt rules or regulations related to the retail sale of alcoholic liquor within the corporate boundaries of the Village of Diamond and

**WHEREAS**, Executive Order 2020-07 (Extended through Executive Order 2020-033) issued by Governor JB Pritzker ordered the suspension of on-premises consumption of food or beverages through May 29, 2020; and

**WHEREAS**, although the suspension of on-premises consumption of food and beverages is temporary, it is unprecedented and has presented a hardship for local restaurants in the Village of Diamond, and

**WHEREAS**, Executive Order 2020-07, allows for food and beverages to be sold by delivery, third-party delivery, drive-through, and curbside pick-up to be consumed off-premises; and

**WHEREAS**, the Village Code of the Village of Diamond currently does not allow or partially limits restaurants with liquor licenses Class D that sells only beer and wine to sell alcohol including wine, beer, or mixed alcoholic drinks (mixed cocktail) to be consumed off-premises; and

**WHEREAS**, I find that in the best interest of the Village of Diamond for liquor licensees that in addition to the sale of packaged beer and wine for customer's home delivery or pick-up with a meal or food order to be consumed at the customer's home, a liquor licensee Class D be authorized to sell beer, wine, or mixed alcoholic drink in an open container for pick-up made in conjunction with the sale and/or delivery of food or a meal to be consumed off-premises in an outdoor area adjacent to or near the establishment.

**IT IS HEREBY ORDERED & EFFECTIVE IMMEDIATELY:**

- 1) Liquor licensee Class D shall be authorized to commence or continue the sale of packaged in its original sealed container, beer and wine only, for delivery or pick-up with a meal or food order to be consumed at the customer's home.
- 2) Licensee shall be authorized to sell beer, wine, or mixed alcoholic drink for pick-up made in conjunction with the sale and/or delivery of food or a meal to be consumed off-premises in an outdoor area adjacent to the establishment.
- 3) All sale of such alcoholic drink must be to a person to a person at least 21 years of age for sale that is in conjunction of sale of food or meal.
- 4) The outdoor area considered to be "off-premises" includes existing outdoor dining or a temporarily expanded outdoor dining area by using parking spaces with Village approval and with authorization from property owner or other areas shall abide by the following:
  - (a) Use shall cease, or be modified for compliance, if there is a State mandate or injunction specific to the Restaurant limiting such use.
  - (b) Smoking is prohibited.
  - (c) Tables shall be spaced to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.
  - (d) The outdoor dining area shall not disturb the lawful use and quiet enjoyment of nearby tenants or property occupants.
  - (e) Outdoor dining areas shall be open (e.g., no side walls) but may utilize awnings or other top coverings that meet minimum Village guidelines.
  - (f) Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
  - (g) Live entertainment and electronically amplified music or sound shall not be permitted.
  - (h) Bar areas are prohibited.
  - (i) Outdoor trash receptacles shall be provided and maintained.
  - (j) No liquor served in an open container shall be removed from the outdoor dining area.
  - (k) Except for restroom visits and take-out orders, indoor premises are closed for public use.
  - (l) Masks are encouraged for Customers/Public to enter the indoor premises (e.g., for restroom visits and take-out orders).
  - (m) By means of signage and/or other markings at 6-foot intervals, social distancing markers shall be placed in queue areas (e.g., restrooms and take-out order lines).
  - (n) All customer-facing employees shall wear masks.
  - (o) No parties larger than ten, including children, are allowed in the outdoor area. The number of patrons allowed at a single table shall be limited to a household unit or patrons who have asked to be seated together. People in the same party seated at the same table do not have to be six feet apart.
  - (p) Dividers shall be placed in entryways requiring incoming traffic to walk on only one side of entry, and outgoing on the other side.
  - (q) Sanitize and disinfect tables, booster seats and highchairs after each use.
  - (r) Enhanced Overnight Sanitizing and Disinfecting – Restaurants shall be thoroughly cleaned during non-operating hours.
  - (s) In restrooms, every other sink and urinal shall be taped off and signage shall be posted encouraging proper hygiene.
  - (t) Sanitizing wipe packets and/or hand sanitizer shall be available at designated entrances.
  - (u) Outdoor consumption of alcohol in the outdoor area shall not be past 10:00 p.m.

5) **OUTDOOR DINING(EXPANSION):** The word "restaurant" used in this Temporary Order shall mean licensee.

Restaurants seeking to temporarily add or expand outdoor dining areas by using a parking lot or other outdoor areas do not need to submit any permit application to do so and shall abide by the following:

- (a) Restaurants may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
- (b) Restaurants may utilize up to 25% of their parking lot.
- (c) If the expanded dining area is in a parking lot, a temporary physical barrier shall separate the outdoor dining area from the rest of the parking lot.
- (d) Restaurants that do not own their parking lot or other outdoor areas shall secure correspondence from the property owner or property manager granting permission to use the area for outdoor dining.
- (e) Restaurants within a strip mall, plaza, shopping center or other multi-tenant space shall secure correspondence from the property manager/owner prior to expanding outdoor dining into common parking, pedestrian or greenspace areas.
- (f) Unless Closed to vehicular traffic, streets may not be utilized
- (h) Driveways, drive aisles, drive-through or other means for traffic circulation may not be impeded or blocked.
- (i) ADA parking spaces are required and access to/from those spaces shall not be impeded.
- (j) The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and Village laws, ordinances, regulations concerning accessibility and nondiscrimination in the providing of services.
- (k) Temporary barriers to safely delineate the seating area do not require additional permitting so long as the temporary barriers do not pose a safety hazard to occupants. No permanent barriers may be installed without proper permits.
- (l) Permanent plumbing, electrical, and lighting fixtures shall not be installed.
- (m) Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences.
- (n) Upon expiration of the existing State orders restricting capacity or upon a State order allowing 100% restaurant capacity indoors, the use of parking lots or other areas for temporary outdoor dining shall cease, barriers placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use.

Any violation of this Temporary Order, Executive Order 2020-07 as extended by Executive Order 2020-033 or any other provisions of the Village Liquor Code or Illinois Liquor Control Act except as provided in this Temporary Order shall be subject to fine and/or suspension or revocation of the liquor license.

**Mayor Teresa Kernc, Village of Diamond**  
**LIQUOR COMMISSIONER**

**Entered: May 26, 2020**

