

**CITY OF MORRIS
GRUNDY COUNTY, ILLINOIS**

ORDINANCE NO. _____

**ORDINANCE CREATING SECTION 5.08.285 OF THE MORRIS LIQUOR CODE
AUTHORIZING OUTDOOR DINING ON CITY SIDEWALKS, LIMITED ON-STREET
PARKING STALLS AND CITY ALLEYS IN THE CITY OF MORRIS**

**PASSED AND APPROVED BY THE
MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS
THIS 1st DAY OF JUNE, 2020.**

**Published in Pamphlet Form
by the authority of the Mayor
& City Council of the City of Morris,
Grundy County, Illinois
this 1st day of June, 2020.**

**Prepared By:
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WHEREAS, the Corporate Authorities of the City of Morris have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, on May 20, 2020, Illinois Governor J.B. Pritzker announced that he intends to permit food-service-industry businesses, including but not limited to bars and restaurants, to partially reopen on-premises services in the form of outdoor dining; and

WHEREAS, the Corporate Authorities anticipate that the Governor will subsequently issue an executive order authorizing Outdoor Dining and providing rules, regulations, and guidelines therefore; and

WHEREAS, the Corporate Authorities of the City of Morris have determined that it is necessary and expedient to pass this Ordinance to set out the rules and regulations of the City applicable to Outdoor Dining during the COVID-19 pandemic; and

WHEREAS, the Corporate Authorities of the City have determined that the Outdoor Dining policy set forth in this Ordinance and in the City's supplemental guidelines which are incorporated herein, represents a reasonable compromise between the urgent need to allow food-service industry businesses to reopen and the immediate need to control and limit the spread of COVID-19 through social distancing.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS, AS FOLLOWS:

1. **RECITALS INCORPORATED:** The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

2. **SECTION 5.08.285 CREATED:** All business establishments that serve food, whether licensed by the City to sell alcohol or not, shall be authorized to use

city sidewalks for outdoor dining. Additionally, each such business establishment shall be allowed to use two (2) on-street angled parking stalls located in front of the business establishment, and business establishments adjacent to a city alley may use city alleys for outdoor dining, on the condition they coordinate with neighboring properties as it relates to business deliveries, garbage collection or otherwise. All outdoor dining authorized herein shall be and remain subject to the provisions of this ordinance and the published city guidelines (as may be amended from time to time).

Additional conditions of outdoor dining are as follows:

A. Outdoor sidewalk dining shall only be allowed in front of the business establishment, which includes all adjacent sidewalks for a corner property. On-street dining shall be set back from the vehicle driving lane a distance of at least three (3) feet measured from the end of the striped parking stall.

B. Service and consumption of alcohol shall be allowed, but only incidental to the consumption of food. No outside bar areas or beer gardens shall be authorized by this ordinance. No alcohol sales shall be authorized for outside dining after ten o'clock (10:00) P.M. No person shall be allowed to leave the outdoor dining area with alcohol at any time, and it shall be the responsibility of the business establishment to enforce all provisions of this ordinance.

C. Business establishments shall provide sufficient trash receptacles for refuse, or in the alternative, shall remove and dispose any trash in the outdoor dining area as part of the applicant's business. The sidewalk and public right-of-way shall be kept free from refuse at all times.

D. No food preparation shall be allowed outside at any time.

E. Sidewalk and on-street dining shall be conducted in a way that does not interfere with pedestrian use of city sidewalks or vehicular use of roadways. All items placed on the public way for the operation of an outdoor seating area shall be located so that a clear path shall be provided for passage of pedestrians and vehicles and so as not to obstruct ingress and egress from the licensed establishment or any other establishment.

F. Business establishments shall be responsible for ensuring proper distancing and compliance with Center for Disease control (CDC) guidelines of the outdoor dining facilities and their employees

G. Business establishments shall comply with the provisions of the Smoke Free Illinois Act.

H. Business establishments shall provide the city with a certificate of insurance naming the “City of Morris, a Municipal Corporation” as an additional insured prior to serving engaging in outdoor dining on city property. Policy limits of liability insurance shall be not less than one million dollars per occurrence. The City of Morris shall also be named as an additional insured on the business establishment’s liquor liability insurance policy (Dram Shop).

3. SUNSET PROVISION: The provisions contained herein shall automatically cease to apply, or sunset, on September 1, 2020, unless the City Council affirmatively takes an action to eliminate said Sunset Provision.

4. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

5. PUBLICATION: The City Clerk is hereby directed to publish this Ordinance in pamphlet form, and to complete a certificate of publication in pamphlet form.

6. SEVERABILITY: In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

7. PENALTY: Any person violating any provision of this chapter shall be subject to the penalties prescribed in Section 5.08.290 or such other provisions that may apply.

PASSED AND APPROVED THIS 1st DAY OF JUNE, 2020.

Ayes _____

Nays _____

Pass _____

Absent _____

RICHARD P. KOPCZICK, Mayor

ATTEST:

(SEAL)

CAROL ADAIR, City Clerk