

**Eleventh Amended Declaration of Local Disaster and
Public Health Emergency
Village of Wilmette
May 12, 2021**

I, Senta Plunkett, do hereby issue this Eleventh Amended Declaration of Local Disaster and Public Health Emergency for the Village of Wilmette, this 12th day of May 2021 (“Eleventh Amended Declaration”).

Introduction

WHEREAS, the Village President issued a Declaration of Local Disaster and Public Health Emergency on March 17, 2020 (“Declaration”) in response to the outbreak of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, the Village President issued an Amended Declaration of Local Disaster and Public Health Emergency on April 7, 2020 (“Amended Declaration”); and

WHEREAS, the Village President issued a Second Amended Declaration of Local Disaster and Public Health Emergency on April 17, 2020 (“Second Amended Declaration”); and

WHEREAS, the Village President issued a Third Amended Declaration of Local Disaster and Public Health Emergency on May 1, 2020 (“Third Amended Declaration”); and

WHEREAS, the Village Board approved and extended the Third Amended Declaration to May 26, 2020; and

WHEREAS, the Village Board approved and extended the Fourth Amended Declaration to June 9, 2020 (“Fourth Amended Declaration”); and

WHEREAS, the Village President issued a Fifth Amended Declaration of Local Disaster and Public Health Emergency on June 4, 2020 (“Fifth Amended Declaration”); and

WHEREAS, the Village Board approved and extended the Fifth Amended Declaration to June 23, 2020; and

WHEREAS, the Village Board approved and extended the Sixth Amended Declaration to July 14, 2020 (“Sixth Amended Declaration”); and

WHEREAS, the Village Board further extended the Sixth Amended Declaration to July 28, 2020; and

WHEREAS, the Village Board approved the Seventh Amended Declaration to August 25, 2020; and

WHEREAS, the Village Board approved the Eighth Amended Declaration to September 8, 2020; and

WHEREAS, the Village Board extended, through a series of resolutions, the Eighth Amended Declaration to December 22, 2020; and

WHEREAS, the Village President issued a Ninth Amended Declaration of Local Disaster and Public Health Emergency on December 24, 2020 ("Ninth Amended Declaration"); and

WHEREAS, the Village Board extended, through a series of resolutions, the Ninth Amended Declaration to March 23, 2021; and

WHEREAS, the Village President and the Village Board approved and extended the Tenth Amended Declaration of Local Disaster and Public Health Emergency on March 23, 2021 ("Tenth Amended Declaration"); and

WHEREAS, the Village Board extended, through a series of resolutions, the Tenth Amended Declaration to May 25, 2021; and

WHEREAS, since that time COVID-19 has continued to spread; however, the spread has begun to slow in Illinois with the administering of vaccinations and other safety precautions being adhered to; and

WHEREAS, Governor Pritzker has issued multiple additional Executive Orders ("Executive Orders"), since the Declaration was issued, to help combat the spread of COVID-19; and

WHEREAS, as part of those Executive Orders, Governor Pritzker has issued stay-at-home orders, social distancing requirements, closed all public and private schools, closed all non-essential business, and prohibited gatherings of more than 10 people; and

WHEREAS, the Executive Orders authorize the local governments to help enforce the social distancing requirements and the restrictions on gatherings over 10 people; and

WHEREAS, in order to prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, the Village residents shall comply with and follow the Executive Orders' requirements of social distancing; and

WHEREAS, since the Amended Declaration was issued, the Centers for Disease Control and Prevention ("CDC") has issued guidance and recommendations that the use of a cloth face covering in public settings where other social distancing measures are difficult to maintain (e.g. grocery stores) will help slow the spread of COVID-19; and

WHEREAS, since the Second Amended Declaration was issued, Governor Pritzker issued another Executive Order extending the stay at home requirements through the month of May, as well as the provisions of the previously issued Executive Orders to May 29, 2020; and

WHEREAS, since the Fourth Amended Declaration was issued, Governor Pritzker issued a new Proclamation of Emergency and two new Executive Orders which permit businesses to reopen provided that businesses comply with all applicable guidance issued by the Illinois Department of Commerce & Economic Opportunity (collectively "Phase 3 Orders"); and

WHEREAS, the Illinois Department of Commerce & Economic Opportunity has also issued guidance encouraging religious institutions to hold outdoor or drive thru services; and

WHEREAS, Governor Pritzker has declared the region where Wilmette is situated within the State of Illinois to be in Phase 4 which will allow certain activities commence again; and

WHEREAS, Schools within the Village have requested that classroom activities and meal consumption be able to be held outdoors under a tent or other covering, which would normally require a temporary use permit from the Village; and

WHEREAS, the Village will temporarily suspend the requirement that a temporary use permit be obtained to allow for a tent to be placed upon school owned property to allow for such operations to begin at the start of school, in order to give schools the needed time to apply for the requisite permits; and

WHEREAS, the Village will temporarily suspend the application requirements that a temporary use permit be obtained to allow for a tent to be placed upon the public right-of-way, to allow for outdoor dining, in the Village's downtown, to continue in a safe and weather resistant environment until such time the restaurants can apply for the requisite permits; and

WHEREAS, the Illinois Open Meetings Act has been amended to allow for remote meetings during a pandemic; and

WHEREAS, since the Tenth Amended Declaration was issued, Governor Pritzker issued Executive Orders which lessened the face covering requirements for fully vaccinated individuals when outdoors; and

WHEREAS, it is possible Governor Pritzker will continue to lessen certain restrictions as vaccinations continue to get administered; and

WHEREAS, the Village desires to mirror those restrictions; and

WHEREAS, in order to further prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, the Village residents shall comply with and follow the Executive Orders in regards to face coverings; and

WHEREAS, in order to further prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, to provide the residents with the ability to obtain food items in the safest and most efficient way possible, and to provide the Village's business community with the ability to continue to safely serve patrons as allowed by the Executive Orders, I find it necessary to issue this Tenth Amended Declaration to implement emergency regulations and orders, all as set forth in the Tenth Amended Declaration.

Statement of Authority

This Tenth Amended Declaration is issued pursuant to the authority vested in the office of Village President by the Illinois Municipal Code Section 5/11-1-6, the Illinois

Emergency Management Agency Act Section 3305/11 and Chapter 2, Article XL of the Village Code.

Declaration

I hereby declare that a local disaster and public health emergency exists in the Village of Wilmette, for the reasons set forth in this Tenth Amended Declaration.

Emergency Regulations and Orders

I hereby direct and order the following:

1. *Emergency Purchasing.* Pursuant to Section 6-132 (Emergency Procurement) of the Village Code, the Village Manager shall make emergency purchases as necessary under the circumstances without prior approval from the Village Board. Any such purchases, over the Village Manager's purchasing authority, shall be submitted to the President and Board of Trustees for ratification at their next regular meeting.
2. *Emergency Staffing.* The Village Manager may implement such emergency staffing protocols and procedures as may be necessary for the preservation of the public health and safety, and for the preservation of the health of Village employees. The Village Manager is authorized to implement alternative staffing protocols, procedures, and shifts for the Village's various departments, including the Village's Police Department and Fire Department. The Village Manager is also authorized to hire any personnel or engage a consultant on a temporary basis needed to preserve the health, safety and welfare of the Village's residents.
3. *Closure of Public Buildings to the Public.* The Village's owned and operated buildings, may be reopened to the general public as determined by the Village Manager. The front lobby of the Village's police department shall remain open to the general public.
4. *Meetings may be held Remotely.* It is determined that in-person meetings are not practical or prudent during the public health emergency. The Village Manager is authorized to convene electronic meetings of the appropriate board, committee, or commission and place any items on an agenda for review by the appropriate board, committee, or commission. The Village Manager is authorized to designate any Village staff member to act as the "Chief Administrative Officer" to be physically present during a meeting so as to comply with the Open Meetings Act requirements for electronic meetings.
5. *Social Distancing, Gatherings, Face Coverings.*
 - A. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing as provided for in the Executive Order in effect at that time.

- B. Gatherings of more than the number of people as prohibited by the Executive Orders in effect at the time, is prohibited unless exempted by one or more of the Executive Orders.
- C. Any individual who is over age two and able to medically tolerate a face-covering (a mask or cloth face-covering) shall be required to cover their nose and mouth with a face-covering as provided for in Executive Order in effect at that time.
- D. Should the Executive Orders be amended to either strengthen or lessen any of these restrictions, this Eleventh Emergency Declaration shall be amended to incorporate, as verbatim, the Executive Orders in regards to face coverings and social distancing.

6. *Suspension of Certain Village Regulations.*

- A. The Village shall authorize the curbside pickup or the offsite delivery of alcoholic beverages to patrons for all Village of Wilmette liquor licensed establishments where consumption of alcohol can take place on such premises ("Licensee") in the following manner:
 - 1. the Licensee may offer for sale alcoholic beverages contained in sealed containers as otherwise allowed by law; and
 - 2. the Licensee may offer for sale beer from a tap in a Growler or Crowler (whether manufactured at the establishment or sold for resale) for consumption off site. All Growlers and Crowlers must be properly sealed and sanitized as required by the Illinois Liquor Control Act.
 - 3. the alcoholic beverages cannot be delivered, sold, or possessed by anyone under the age of 21; and
 - 4. the Licensee's employee or agent must first obtain adequate proof of age from the patron that ordered the alcoholic beverage prior to that patron receiving that alcoholic beverage.

If at any point the Illinois Liquor Control Act is amended to allow for the delivery of alcoholic beverages that is inconsistent with the provisions above, then the state law shall apply and be incorporated herein.

- B. The Village Manager may authorize certain business activities to be performed outside, immediately in front of an existing and licensed (if such a license is required) business within the Village. Such a business may perform approved business activities, consistent with their current business operations, outside in the public right-of-way immediately in front of its business location or in a parking lot or open area contiguous and adjacent to such a location with the permission of the owner of such an area as long

as such activities do not interfere with access to the other locations or pedestrian or vehicular traffic. At no time shall any business activities exceed the normal hours of operation of the business.

- C. The Village Manager may authorize the expansion of outdoor seating for restaurants upon public right-of-way, Village streets, and Village owned property. The Village Manager may close Village streets and Village owned parking lots to vehicular traffic for the purposes of allowing outdoor seating for restaurants located in the Village's Downtown. The temporary use permit requirements, as applied to downtown restaurants, are suspended until March 24, 2021, for applications made by a restaurant for the purposes of allowing a tent or other outdoor covering to be placed upon public right-of-way immediately adjacent to the subject restaurant, to allow for patrons to consume meals outdoors under a tent or other covering. All tents or other outdoor coverings to be placed upon public right-of-way shall not be erected unless the restaurant has obtained a valid Village of Wilmette Outdoor Restaurant Seating and Cooking Licenses ("License"). All tents or other outdoor coverings shall comply with all other regulations and laws. The restaurant shall provide the information prior to the erection of the tent or other outdoor covering as requested by the Village Manager. If by March 24, 2021, the restaurant has not obtained a temporary use permit for the tent or other outdoor covering, the tent or other outdoor covering shall be removed.

All current Licenses shall remain in effect except the number of tables and seating may be reduced pursuant to Social Distancing requirements. All existing and new Licenses must comply with the Social Distancing and face covering requirements imposed by the Executive Orders that are in effect at the time.

The Village shall waive the application and fee requirements of the Licenses for new outdoor seating requests or when the existing outdoor seating area is expanded beyond the grant of authority under existing Licenses and shall allow for the expansion of outdoor seating for restaurants located within the Village's Downtown pursuant to the following regulations and rules:

1. Licensees shall execute an agreement to indemnify, defend, and hold harmless the Village for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area. The Village Manager is authorized to execute this agreement on behalf of the Village.
2. Licensees shall provide the Village with a certificate of general liability insurance, workers compensation insurance, and, if applicable, dram shop insurance for the new or expanded outdoor seating area. The amount of required liability coverage shall be in an amount not less than \$2,000,000.00 combined single limit per occurrence for bodily injury,

property damage and personal injury with a general aggregate of \$4,000,000.00 limit. The Village shall be named as an additional insured on a primary and non-contributory basis under the policy or coverage by original endorsement signed by a person authorized to bind coverage (this specific provision in this Section 2 is only applicable for outdoor operations being located on public right of way or other public property or Village owned property).

3. Outdoor seating shall only be granted to an operator of business that holds a valid Village of Wilmette Category I and II Food Handler License.
 4. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted. Self-closing outside trash containers shall be provided as required by the Village.
 5. Operation of outdoor restaurant seating areas not located in a Village street shall be permitted only at such times as the main place of business is open, and in no event before 6:00 a.m. or after 11:00 p.m. The hours for outdoor seating that is located on a Village street, Village parking lot, or on private property shall be determined by the Village Manager.
 6. No animals, except those assisting the disabled, shall be allowed in the outdoor restaurant seating or cooking area.
 7. The sale and consumption of alcoholic beverages in the outdoor seating area shall be restricted by the liquor license governing the restaurant. Any outdoor seating area where alcoholic beverages are sold or consumed shall be clearly delineated and shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.
 8. The licensee shall remove all tables, chairs, stands, and other equipment or furnishings at the conclusion of operating hours every day.
 9. No electrical appliances or conductors, open flame devices, petroleum products or other flammable liquids, other than candles or lanterns of a type approved by the Village Manager, shall be placed or kept in the outdoor seating area.
- D. The Village shall waive the application and permit requirements needed to allow for curb loading zones and install signage for such loading zones next to or in close proximity of a Licensee's front door. This loading zone shall be used for patrons to be able to easily receive and pay curbside for purchases of menu items from the Licensee.
- E. The Village shall not issue any permits for solicitors, public demonstrations when such demonstrations may include more than the number of people prohibited by the Executive Orders, or a temporary use for the purpose of holding a special event if such event will include more than the number of people prohibited by the Executive Orders. The Village may issue permits

for solicitors, public demonstrations, or temporary uses, as allowed and conditioned by the Executive Orders.

F. Temporary Uses:

Notwithstanding the above, temporary use permit requirements are suspended for applications by an institution desiring to engage in the free exercise of religion, on its own property. The Village Manager may issue temporary use permits to an institution seeking to hold an outdoor religious service on its own property when such activity, in the discretion of the Village Manager, will not interfere with the enjoyment and quiet of the surrounding neighborhood or have a detrimental impact upon the traffic of the neighborhood.

- G. The Village Manager shall have the authority to delay collection or institute a payment plan for any fees imposed for Village permits, licenses, and utilities. The Village Manager shall have the authority to waive late fees or delay imposition of late fees for all late fees imposed for Village permits, licenses, and utilities.

Duration of Local Disaster Declaration

The Village, based upon the public gathering guidelines of the federal and state governments, and pursuant to the encouragement of public bodies to postpone consideration of public business when possible per the Executive Orders and, in accordance with this Eleventh Amended Declaration, the Village Board will not be able to physically meet at its next regularly scheduled Village Board meeting.

Therefore, pursuant to Section 2-1124 of the Village Code, this Eleventh Amended Declaration herein shall be in effect until such time as the Village Board shall conduct its next meeting.

Signed and sealed with the official seal of the Village of Wilmette on this 12th day of May 2021.

By:



Senta Plunkett,
Village President – Village of Wilmette

Village Seal