



EXECUTIVE ORDER 20-04

ESTABLISHING A TEMPORARY PERMIT PROCESS TO ALLOW EXPANSION OF OUTDOOR SEATING AREAS FOR BARS AND RESTAURANTS

May 22, 2020

On May 20, 2020, the Governor announced that, with the anticipated advancement to Phase 3 of the Restore Illinois plan on May 29, 2020, bars and restaurants will be allowed to serve customers in outdoor seating areas as long as 6-foot distances could be maintained between seated parties. In an effort to allow Batavia bars and restaurants the greatest opportunity to recover from the devastating effects that the global pandemic has brought upon their businesses, the Mayor, through this Executive Order No. 04, directs the following policy to be implemented effective immediately:

Bar and restaurant businesses wishing to create or expand outdoor seating areas may apply for a temporary permit to the City of Batavia. There shall be no fee for this permit. Applicants must adhere to the following conditions:

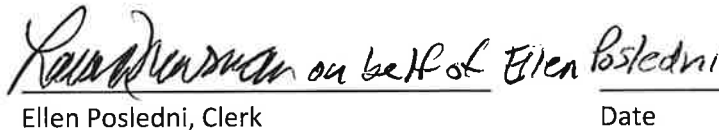
- The permit application shall include an aerial drawing that shows the existing outdoor seating area (if any) in a dotted line and the proposed new seating area in a solid line. Also:
 - If the proposed new seating area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.
 - The applicant should indicate on the drawing where tables and chairs will be placed to maintain a six-foot distance between tables.
 - If there is to be a covering over the new seating area, please indicate that on the drawing and describe how it will be anchored. For anchoring requirements, please see: 2006 International Building Code or manufacturer's specifications.
- If the applicant is not the owner of the property on which the new outdoor seating space is to be located, the application must include from the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor seating area as indicated on the drawing provided by the requestor. **If the property is publicly owned**, there is a separate application and the applicant must enter into a License Agreement with the City of Batavia. For so long as the Mayor is granted Emergency Powers during the COVID-19 pandemic, the Mayor shall have authority to sign License Agreements for outdoor seating, and such License Agreement shall be placed upon the next City Council meeting agenda for formal approval.
- Requestor will be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of approval for the expanded seating area.

- If the proposed new seating area encroaches on a parking area and/or alcohol will be served, the seating area must be enclosed with at a minimum snow fencing at least 36" high.
- Any covering over the seating area may not have side walls and must be appropriately anchored. The addition of a covering or any changes to the covering after the initial seating expansion has been approved requires additional permission and inspection by the City.
- Expanded seating areas must be set back at least 6 feet from a public sidewalk, or as required by state or county guidelines.
- If a new outdoor seating area is approved for a business with an existing license to sell packaged liquor, liquor purchased by a customer at that business may be consumed in that businesses' approved seating area.
- Patrons may not leave outdoor seating areas with open alcoholic beverages.
- Outdoor entertainment may not interfere with adjacent property owners' use and enjoyment of their outdoor seating areas.
- Businesses will be notified if the request is approved. Before any expanded outdoor seating may be used, an inspection by a City building official will be required to determine its conformity to the drawing provided in the request.
- The failure to request permission under this procedure before expanding outdoor seating into a parking lot or the public right of way shall be punishable by having to remove the expanded seating and the revocation of the ability to request any expanded outdoor seating until such time as the Governor has directed that we have entered Phase 4 of the Restore Illinois plan.
- All approved request for expanded outdoor seating shall remain in effect, if not terminated for other reasons, for 90 days at which point the program shall be considered for termination or extension. At that time that restaurants and bars are able to resume normal operations, they must return to their footprint that existed as of May 29, 2020.

Temporary permit applications are available on the City's website on the Community Development page and should be submitted to the City of Batavia Building Department by email to permits@cityofbatavia.net. If you have questions, please contact the City of Batavia Department of Community and Economic Development at (630)454-2700.


 Mayor Jeffrey D. Schielke

5-22-20
 Date


 Ellen Posledni, Clerk

5-22-20
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