

ORDINANCE NO. 1700

**AN ORDINANCE OF THE VILLAGE OF FREEBURG, ILLINOIS AUTHORIZING
THE EXPANSION OF TEMPORARY OUTDOOR SEATING PURSUANT TO AND IN
CONFORMITY WITH PHASE 3 (RECOVERY) OF THE GOVERNOR'S "RESTORE
ILLINOIS" PLAN**

WHEREAS, the Village of Freeburg, Illinois, has enacted its Code of Ordinances for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of its citizens; and

WHEREAS, it is the position of the Mayor (Village President) and the Board of Trustees of the Village of Freeburg, Illinois, that executive orders in furtherance of the public health, safety, and welfare lawfully issued by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, shall be observed and obeyed by the citizens of the Village of Freeburg, Illinois; and

WHEREAS, in furtherance of the executive orders issued by the Governor of the State of Illinois during the Covid-19 Pandemic, the Department of Commerce & Economic Opportunity has recently promulgated Outdoor Dining Guidelines for Phase 3 (Recovery) of the "Restore Illinois" Plan (See Attached Exhibit "A"); and

WHEREAS, it is the position of the Mayor (Village President) and the Board of Trustees of the Village of Freeburg, Illinois, that the Outdoor Dining Guidelines for Phase 3 (Recovery) of the "Restore Illinois" Plan set forth in Exhibit "A" shall be observed and obeyed at all times by all restaurants, bars and citizens of the Village of Freeburg, Illinois; and

WHEREAS, in furtherance of protecting the public health, safety, comfort, convenience and general welfare of its citizens during the Covid-19 Pandemic, the Mayor (Village President) and the Board of Trustees of the Village of Freeburg, Illinois, hereby adopt the following additional requirements for all restaurants, bars and citizens of the Village of Freeburg, Illinois for Phase 3 (Recovery) of the "Restore Illinois" Plan.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 27 of the Code of Ordinances of the Village of Freeburg, Illinois, is hereby amended by adding the following:

ORDINANCE NO. 1700 cont.

Chapter 27: OFFENSES

Section 27-19-1— EXPANSION OF TEMPORARY OUTDOOR SEATING REQUIREMENTS

1. Requirements: The following requirements shall be adhered to:
 - a. Closing of temporary outdoor seating, not including previously approved permanent outdoor seating, shall be 10:00pm;
 - b. Live outdoor music shall be prohibited;
 - c. Alcoholic beverages must remain at the designated eating areas. Restaurants possessing a valid liquor license for on-site consumption shall be allowed to serve alcoholic beverages in the expanded outdoor seating areas. Removal of alcoholic beverages from the designated outdoor seating areas is prohibited except package to go liquor. No waiting guests shall be served alcoholic beverages;
 - d. Waiting patrons shall remain in their vehicles until their table is ready if there is a wait;
 - e. No ADA access or handicapped parking spots shall be used for temporary outdoor dining;
 - f. All means of ingress or egress shall remain clear and free with proper social distancing requirements in place;
 - g. All tents or temporary structures must be installed properly and meet all international building and fire code requirements;
 - h. All temporary outdoor seating areas shall remain on premise and off of public property;
 - i. All temporary outdoor seating areas shall be approved by the Zoning Administrator, Chief of Police and Local Liquor Commissioner;
 - j. Required parking areas shall be reduced to 50% during the duration of this time;
 - k. All guidelines set forth in the Governor's "Restore Illinois" Plan for Restaurants and Bars for Outdoor Dining (Attached Exhibit "A") shall be followed at all times.
2. The forgoing requirements shall be extended and remain valid, up to and through the duration of Phase 3 (Recovery) of the "Restore Illinois" Plan.

Section 27-19-2— VIOLATION OF EXPANSION OF TEMPORARY OUTDOOR SEATING REQUIREMENTS

Sec. 1. - Purposes of this article.

The Outdoor Dining Guidelines for Phase 3 (Recovery) of the "Restore Illinois" Plan set forth in Exhibit "A", as well as the Requirements set forth in Section 27-19-1, shall be observed and obeyed at all times by all restaurants, bars and citizens of the Village of Freeburg, Illinois.

Violations of these Guidelines and Requirements are hereby declared a public nuisance.

ORDINANCE NO. 1700 cont.

Sec. 2. – Violation of Guidelines and Requirements.

It shall be unlawful for any restaurant, bar and/or citizen of the Village of Freeburg, Illinois to violate any of the forgoing Guidelines and Requirements.

Sec. 3. – Penalties.

(a) Any person or entity having been found guilty of violating any of the forgoing Guidelines and Requirements shall be punished by a fine not to exceed \$750 per day that such offense continues; and

(b) The Zoning Administrator, Chief of Police and/or Local Liquor Commissioner reserve the right to shut down, suspend and/or prohibit any restaurant or bar that does not comply with the forgoing Guidelines and Requirements from having any temporary outdoor seating during Phase 3 (Recovery) of the “Restore Illinois” Plan.

Sec. 4. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Sec. 5. Effective Immediately.

This Ordinance shall take effect immediately upon its passage due to the immediate urgency of implementing same in response to the COVID-19 public health emergency.

PASSED by the Board of Trustees and approved by the Mayor this 29th day of ~~June~~^{May}, 2020, and deposited and filed in the Office of the Village Clerk on said date.

YEAS Trustee Michael Neep NAYS _____

Trustee Elizabeth Meckling _____

Trustee Denise Allers _____

Trustee Ramon Matchett, Jr. _____

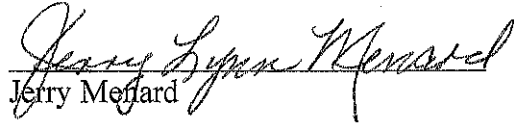
Trustee James Glavis _____

ABSENT Trustee Robert K ABSTAIN _____

ORDINANCE NO. 1700 cont.

Vote Recorded By:

Village Clerk


Jerry Menard

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this 29th
day of ~~June~~ May, 2020.

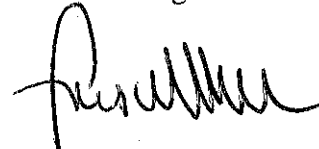
Village President


Seth E. Speiser

ATTEST:


Jerry Menard
Village Clerk

Approval as to Legal Form:


Frederick W. Keck
Weilmuenster Keck & Brown, P.C.
Village Attorney

RESTAURANTS & BARS FOR OUTDOOR DINING GUIDELINES



Illinois
Department of Commerce
& Economic Opportunity
JB Pritzker, Governor

RESTORE ILLINOIS

A Public Health Approach To Safely Reopen Our State

PART OF PHASE 3 OF RESTORE ILLINOIS PLAN

APPLICABLE TO EACH REGION UPON TRANSITION TO PHASE III | ISSUED ON MAY 24, 2020

The Recovery Phase of the Restore Illinois public health approach to reopening the Illinois economy includes returning people to work, businesses reopening and group gatherings of 10 or fewer. We must all continue to social distance, frequently wash our hands and cover our faces to maintain progress in overcoming COVID-19.

This document is applicable to businesses that meet the following criteria:

- Full-service restaurants, limited-service restaurants, snack and nonalcoholic beverage bars, taverns, and other food services and drinking places licensed to serve food, beverages and liquor for consumption by the relevant local jurisdiction and State Liquor Control Board, if applicable, that can follow all minimum guidelines outlined in this document
- In Phase III, services for Restaurants and Bars should be limited to:
 - i. i. Outdoor dining and/or drinking only; and
 - ii. Parties of 6 persons or fewer.
- For the purposes of these guidelines, a dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:
 - i. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
 - ii. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
 - iii. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
 - iv. Any other outdoor dining and drinking areas authorized by local governments provided that food and drinks are prepared by licensed food or liquor establishments and that proper social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer.
- For the purposes of these guidelines, businesses may be subject to additional regulations on outdoor dining by units of local government and local health departments

¹ This guidance is subject to State and local liquor control, food safety, and other applicable laws and regulations.



Uniform guidelines across businesses, industries and nonprofits within the State of Illinois:

GENERAL HEALTH

i. Minimum guidelines

1. Employees should wear face coverings over their nose and mouth when within 6-ft. of others (cloth masks preferred). Exceptions may be made where accommodations are appropriate – see IDHR's guidance.
2. Arrange seating to provide a minimum of 6-ft between tables. Use of plexiglass between tables is a best practice.
3. Employer should provide hand washing capability or sanitizer to employees and customers
4. Bar and restaurant employees should wash hands for 20 seconds every 30 minutes, and:
 - a. Upon arrival to work
 - b. Prior to and during food preparation
 - c. When switching between tasks
 - d. Before donning gloves to work with food or clean equipment and utensils
 - e. After using the restroom
 - f. After handling soiled dishes and utensils
 - g. When visibly soiled
 - h. After coughing, sneezing, using a tissue, touching face,
 - i. After eating or drinking
 - j. After smoking or vaping
 - k. After handling cell phone
5. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available
6. Gloves should be worn by staff preparing food per pre-COVID food handling protocols, such as handling Ready to Eat (RTE) foods



HR AND TRAVEL POLICIES

i. Minimum guidelines

1. All employees should complete health and safety training related to COVID-19 when initially returning to work. Resources to design a training are posted on the DCEO Restore Illinois guidelines website
2. Employers should continue to limit all non-essential business travel
 - a. If employee must travel, employee should follow CDC considerations to protect themselves and others during trip
3. Employees should not report to, or be allowed to remain at, work if sick or symptomatic (with cough, shortness of breath or difficulty breathing, fever of 100.4 degrees or above, chills, muscle pain, headache, sore throat, new loss of taste or smell, or other CDC-identified symptoms), and sick or symptomatic employees should be encouraged to seek a COVID-19 test at a state or local government testing center, healthcare center or other testing locations



ii. Encouraged best practices

1. Provide reasonable accommodation for COVID-19-vulnerable employees, including but not limited to work from home (if feasible), reduced contact with others, use of barriers to ensure minimum distance between others whenever feasible or other accommodations that reduce chances of exposure

HEALTH MONITORING

i. Minimum guidelines

1. Employers should make temperature checks available for employees and encourage their use. Employers should post information about the symptoms of COVID-19 in order to allow employees to self-assess whether they have any symptoms and should consider going home.
2. All employers should have a wellness screening program. Resources outlining screening program best practices are posted on the DCEO Restore Illinois guidelines website
 - a. Employer should conduct in-person screening of employees upon entry into workplace and mid-shift screening to verify no presence of COVID-19 symptoms
3. If employee does contract COVID-19, they should remain isolated at home for a minimum of 10 days after symptom onset and can be released after feverless and feeling well (without fever-reducing medication) for at least 72 hours OR has 2 negative COVID-19 tests in a row, with testing done at least 24 hours apart
4. If an employee is identified as being COVID-19 positive by testing, CDC cleaning and disinfecting should be performed as soon after the confirmation of a positive test as practical
5. Where appropriate, notify employees who have been exposed
6. Any employee who has had close contact² with co-worker or any other person who is diagnosed with COVID-19 is required to quarantine for 14 days after the last/most recent contact with the infectious individual and should be encouraged to seek a COVID-19 test at a state or local government testing center, healthcare center or other testing locations. All other employees should be on alert for symptoms of fever, cough, or shortness of breath and taking temperature if symptoms develop

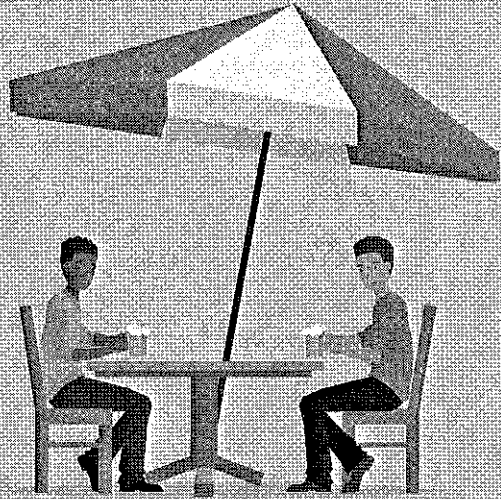


² Close contacts include household contacts, intimate contacts, or contacts within 6-ft. for 15 minutes or longer unless wearing N95 mask during period of contact.

Guidelines specific to outdoor dining and drinking establishments:

PHYSICAL WORKSPACE**i. Minimum guidelines**

1. Employer should display signage at entry with face covering requirements, social distancing guidelines, and cleaning protocols, in multiple languages as needed
2. Employer should configure space to allow for at least 6-ft. of distance between tables or other designated customer service areas
3. Employees should maintain social distance to the extent possible while performing services
4. Employer should close all open congregate areas (e.g., waiting areas)
5. Employers should close all self-service food areas (e.g., buffets, salad bars, coffee station)
6. Employers should eliminate table presets (e.g., table tents, menus, salt and pepper shakers, lemons, straws, shared condiments, etc.)
7. Employers should use single packet condiments, if possible, OR serve condiments in containers – such as a washable bowl or paper cup – that can be sanitized or disposed of after use (no shared condiments permitted)
8. Employers should use disposable silverware, if possible, OR use rolled silverware or silverware placed in sleeves (employers should utilize gloves while rolling/placing in sleeves)
9. Employers should use disposable or touchless menus, if practical, or use menus that can be sanitized between each use
 - a. If practical, QR Digital menu or app-based ordering should be used
10. Employers should eliminate refilling customer beverages altogether and should use a new glass cleaned using proper dishwashing procedures
11. Close all self-service beverage stations
12. Water fountains in employee breakrooms, except for touchless water bottle refill stations, should be made unavailable for use (e.g., turned off, covered, area blocked)
 - a. If no touchless fountain is available, water may be served in sealed, single-use water bottles
13. Customers should handle their leftover food to be taken to-go
14. Ensure that the area for take-out customers allows for at least 6-ft of separation from seated customers
15. Customers should not be seated if inclement weather is forecasted
16. In case of inclement weather or emergency while customers are outdoor dining, food should be packaged to-go and customers encouraged to leave

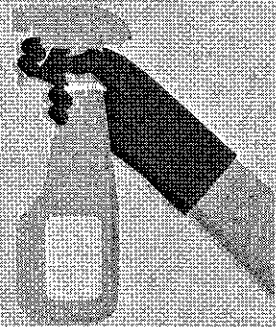
**ii. Encouraged best practices**

1. Deliver items to table on service trays to minimize hand contact
2. Display visual markers 6-ft. apart at customer queue points
3. Display signage at exits of restrooms to promote use of paper towel to open door for exit
4. Display signage to promote distancing within shared restrooms
5. Eliminate seating at bars within restaurant to the extent possible
6. If practical, install impermeable barriers (e.g., plexiglass) from street and/or sidewalk traffic
7. If practical, install impermeable barriers between tables
8. If practical, install impermeable barriers in close contact areas (e.g., host stand, cashier)
9. If practical, implement touchless transactions
10. If practical, allow one-way traffic flow in and out of restaurant to the outdoor seating area to limit any congregation
11. Where building management practices allow, increase air turnover rates in occupied spaces and increase outside make-up air to the maximum extent practical

DISINFECTING/CLEANING PROCEDURES

i. Minimum guidelines

1. Cleaning and disinfecting of premises should be conducted in compliance with CDC protocols on a routine basis
2. Clean and disinfect common areas (e.g., restrooms, cafeterias) and surfaces which are touched by multiple people (e.g., entry/exit doorknobs, stair railings) frequently, every half hour recommended for high-traffic areas
3. Sanitization of multi-use items (e.g., menus, if reuse, special cards, pens, check presenters, etc.) should be completed after each use
4. Disinfect tables and chairs between parties and again at closing time (see EPA approved list of disinfectants)
5. Discard any single-use or paper articles (e.g., paper menus) after each use



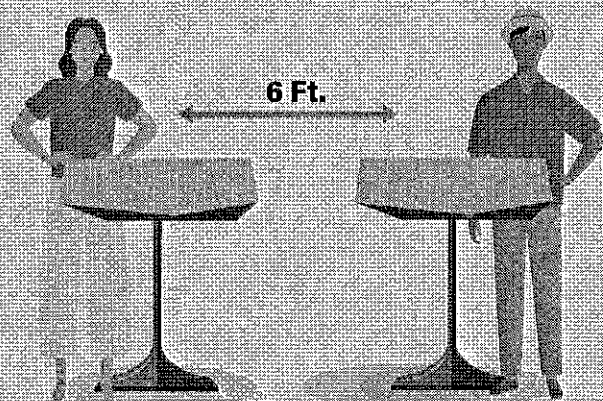
ii. Encouraged best practices

1. Provide hand sanitizer in outdoor seating area for customers. If hand sanitizer is placed in restrooms, assure handwashing is still encouraged
2. Create and implement an enhanced cleaning/sanitizing schedule for all food contact surfaces, and cleaning/disinfecting of non-food contact surfaces; if practical, have designated staff member that responsible for cleaning

STAFFING AND ATTENDANCE

i. Minimum guidelines

1. Outdoor area capacity shall be determined by arranging seating to provide a minimum of six feet between tables or other designated customer service areas.
2. Employee should social distance from customers while not performing services
3. Employer should limit the occupancy of common areas/ break rooms to allow for social distancing of 6-ft or greater by removing/decommissioning furniture or staggering break times; this guideline is not intended to diminish employees' break time requirements
4. Live music is permitted but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged.



ii. Encouraged best practices

1. If practical, alter hours of operation to adequately spread out customer traffic and allow for additional cleaning time
2. Stagger shift start and end times to minimize congregation of employees during changeovers
3. If practical, group employees in clusters and schedule groups on same shifts to reduce cross-team exposure

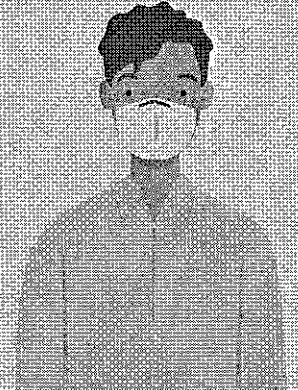
EXTERNAL INTERACTIONS

i. Minimum guidelines

1. Before allowing external supplier or non-customer visitor (excluding third-party visitors providing carry-out services only) to enter, or while requiring them to wait in a designated area, employer should ask whether external supplier or visitor is currently exhibiting COVID-19 symptoms
 - a. If practical, employer should take external supplier or non-customer visitor temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)
2. Employer should keep log of all external suppliers who enter premises
3. Suppliers and other non-customer visitors should wear face coverings over their nose and mouth when entering premises (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face-covering)

ii. Encouraged best practices

1. Limit contact between external suppliers and employees
2. Restrict suppliers from entering premises and if practical, have deliveries dropped at door



CUSTOMER BEHAVIORS

i. Minimum guidelines

3. 6-person party limit
4. Implement a reservation or call ahead model, if practical. All outdoor dining areas must be staffed to ensure social distancing will be maintained prior to guests being seated
5. Customers should wait for services off premises, either outdoors and maintaining social distance of 6-ft with use of recommended face coverings or in their vehicles. Customers should be seated immediately upon entry
6. Customers should wear face coverings over their nose and mouth while on premises, except while eating and drinking at table (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face covering)



ii. Encouraged best practices

1. Before allowing entrance, employers ask whether customer is currently exhibiting COVID-19 symptoms
 - a. If practical, employer should take customer temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)

If you have questions or need additional support:
Please call our hotline at 1-800-252-2923
or e-mail us at ceo.support@illinois.gov
or return to www2.illinois.gov/business toolkit

Additional Resources:

- FDA: [Food Safety and COVID-19](#)
- FDA: [Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery During COVID-19](#)
- FDA: [Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease \(COVID-19\) Pandemic](#)
- FDA: [Employee Health and Personal Hygiene Handbook](#)
- CDC: [Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#)
- CDC: [What Grocery and Food Retail Workers Need to Know about COVID-19](#)
- CDC: [COVID-19 Resources for Businesses and Employers](#)
- CDC: [Restaurants and Bars Reopening Decision Tree](#)
- CDC: [COVID-19 Printed Resources](#)
- IDPH: [COVID-19 Resources for Businesses and Organizations](#)
- IDPH: [Guidance for Maintaining Water Systems During Reduced Use and Returning Water Systems to Regular Use after Extended Periods of Reduced Use](#)
- IDPH: [Retail Food Page and Food Codes](#)
- Illinois Department of Human Services: [FAQ for Businesses Concerning Use of Face-Coverings During COVID-19](#)
- EPA: [List of EPA-registered Disinfectants](#)
- AFDO: [Planning for Reopening Food Service Establishments As COVID-19 Impacts Best Practices and Protocol](#)
- OSHA: [Guidance of Preparing Workplaces for COVID-19](#)
- National Restaurant Association: [COVID-19 Reopening Guidance: A Guide for the Restaurant Industry](#)