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State of Illinois - Established 1929

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EXECUTIVE ORDER No. 20-1

EMERGENCY RULE OF THE LIQUOR COMMISSIONER

NOW COMES, Village President and Local Liquor Control Commissioner Michael P. Lopez, pursuant to the powers granted by Section 11-1-6 of the Illinois Municipal code (65 ILCS 5/11-1-6), Section 11 of the Illinois Emergency Management Act (20 ILCS 3305/11), the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*), the Code of the Village of Jerome, Illinois, and the Declaration of Local State of Emergency and Local Disaster dated August 6, 2020, makes the findings, orders, and rules contained herein:

BACKGROUND

1. The World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020, and on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.
2. Restrictions previously imposed on businesses licensed to sell alcoholic beverages at retail as a result of the COVID-19 pandemic have been relaxed in order for the businesses and overall economy to resume.
3. However, positive cases of the COVID-19 virus continue to increase within Sangamon County and several have been linked to bars and restaurants, and the Illinois Department of Public Health reported that, during the week 7/19/2020 through 7/25/2020, Sangamon County experienced 70 new cases per 100,000 people and a test positivity rate of 4.3%. Thus, the COVID-19 pandemic continues to threaten the health of all persons in the Village of Jerome, including employees and patrons of retail liquor licensees.
4. Proper precautions and CDC recommendations for behaviors that reduce the spread of COVID-19 among employees and customers include, but are not limited to, frequent handwashing and hand hygiene, increased cleaning and disinfection, changing layouts and limiting seating capacity to allow for social distancing, and use of face coverings.

AUTHORITY

5. Pursuant to Section 4-2 of the Liquor Control Act of 1934 the Village President “shall be the local liquor control commissioner for their respective ... villages...and shall be charged with the administration in their respective jurisdictions of the appropriate provisions of this Act and of such ordinances and resolutions relating to alcoholic liquor as may be enacted.”
6. Section 300.7-9g of the Jerome Village Code authorizes the Village President, in his capacity as Local Liquor Control Commissioner, “To make, promulgate, alter, amend, repeal and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed by him/her to be desirable.”
7. Section 300.7-10a of the Jerome Village Code charges the Village President, in his capacity as Local Liquor Control Commissioner, “with the administration of the appropriate provisions of the Illinois Liquor Control Act, this ordinance, and of such ordinances, resolutions, rules and regulations relating to alcoholic liquor ...”
8. Section 11-1-6 of the Illinois Municipal Code provides that “The corporate authorities of each municipality may by ordinance grant to the mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency.”
9. Section 101.7-2 of the Jerome Village Code authorizes the Village President to declare the existence of a Local State of Emergency, after which he “may, in the interest of public safety and welfare and to address issues threatened by the emergency, take any or all of the following actions by executive order during the state of emergency: (a) All actions reasonably necessary to respond to the Disaster; * * * (e) Order the discontinuance of the sale of alcoholic liquor by any * * * retailer * * *”
10. In the Declaration of Local State of Emergency and Local Disaster dated August 6, 2020, the Village President, with the consent of the Village Board of Trustees, declared pursuant Section 101.7-2 of the Jerome Village Code that a Local State of Emergency and Local Disaster exists as of August 6, 2020 and continuing until October 15, 2020, unless extended by the Village of Jerome Board of Trustees.
11. Pursuant to Section 101.7-6 of the Jerome Village Code, “any person violating any of the executive orders issued pursuant this Section 101.7 shall be guilty of an offense against the Village and shall be punished as provided by Section 1-10 of the Village code.”
12. Section 1-10 of the Jerome Village Code provides, in relevant part, that whenever “any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful... the violation of any such provisions of this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00).”

ORDER & RULE

Therefore, in response to the COVID-19 pandemic, the Village President, pursuant to his powers and the authorities cited herein issues the following rules and orders that licensees comply with the same.

13. “The Restaurant & Bar Establishment Safety Guidelines” issued by Illinois Department of Commerce on June 17, 2020 are hereby adopted by reference and all holders of local liquor

licenses granted by the Village of Jerome shall comply with the same. Where any provision of this Order & Rule is more restrictive than said Guidelines, licensees shall comply with the provisions of this Order & Rule.

14. All holders of local liquor licenses granted by the Village of Jerome shall comply with the following:
- a. Licensees shall have a policy and train employees on wearing face coverings. There must be an adequate supply of face coverings for staff at the licensed premises, and employees must wear face coverings over their nose and mouth.
 - b. Occupancy of standing areas, inside or outside the licensed premises, is prohibited.
 - c. Each patron or group of patrons shall have an assigned table (seated or high top) unless leaving the restaurant or bar or going to the restroom.
 - d. Patrons and visitors shall wear face coverings that cover the nose and mouth when waiting for a table, moving away from their assigned table or seat, or standing in line to order, pick-up, or checkout.
 - e. Table and seating arrangements must maintain social distancing of at least six (6) feet between tables or seats of unassociated patrons.
 - f. A sign giving notice to all patrons that a mask is required to be worn while the patron is in the licensed premises consistent with state and local guidelines shall be conspicuously displayed at the licensed premises by the licensee.
15. This Order & Rule shall be filed with the City Clerk, copies of the same are to be provided to local news media, and a copy posted at the Village Civic Center.

PENALTIES

16. Licensees who violate this Order & Rule shall be guilty of an offense against the Village shall be punished by a fine not exceeding five hundred dollars and subject to fines, emergency closure, and/or suspension or revocation of any local liquor licenses) granted by the Village of Jerome

SAVINGS

17. If any provision of this Order & Rules or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Order & Rule, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Order & Rule are declared to be severable.

DURATION

18. This Order shall remain in effect until such time the that local state of emergency, as declared on August 6, 2020, expires or is lifted or upon modification by subsequent executive order of the Village President.

HEREBY ORDERED THE 6th DAY OF AUGUST, 2020.

By: Michael P. Lopez, Village President
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