

EXECUTIVE ORDER NO. 2020.05

**EXECUTIVE ORDER REGARDING VILLAGE RESIDENT AND BUSINESS RELIEF
UNDER A DECLARATION OF A STATE OF EMERGENCY IN THE VILLAGE
OF FRANKLIN PARK, COOK COUNTY, ILLINOIS
(COVID-19 – JUNE 4, 2020)**



WHEREAS, the Village of Franklin Park (the "Village") is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

WHEREAS, COVID-19, also known as the "coronavirus", is a dangerous disease which has spread around the world, including in the United States, the State of Illinois, and County of Cook; and

WHEREAS, COVID-19 is a direct and serious threat to the public's health, safety, and welfare; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020 due to the COVID-19 disease outbreak; and

WHEREAS, the President of the Board of Commissioners of the County of Cook issued a disaster proclamation on March 10, 2020; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 disease outbreak a worldwide global pandemic; and

WHEREAS, the President of the United States of America declared a national state of emergency on March 13, 2020; and

WHEREAS, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07 that ordered the suspension of on-premise consumption of food and liquor and extended such suspension through Executive Order 2020-033; and

WHEREAS, on March 20, 2020, the Governor of the State of Illinois issued Executive Order 2020-10, a "Stay at Home" order, allowing only "essential businesses" to operate and limiting the movement of persons in Illinois in order to slow the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18, extending the "Stay at Home" order through April 30, 2020; and

WHEREAS, on April 8, 2020, the Village President declared a state of emergency in the Village entitled "Declaration of a State of Emergency Village of Franklin Park, Cook County, Illinois" (the "Declaration") and such state of emergency continues to exist in the Village; and

WHEREAS, the Declaration was made pursuant to authority granted to the Village by Ordinance Number 1920-G-80 pursuant to the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois extended the disaster proclamation for an additional thirty (30) days; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32 to extend the "Stay at Home" order with certain modifications; and

WHEREAS, on May 5, 2020, the Governor of the State of Illinois issued the Restore Illinois Plan, a five-phased plan to reopen the State of Illinois; and

WHEREAS, on May 24, 2020, the Governor of the State of Illinois declared that all four regions of the State of Illinois are on track to enter Phase 3 of Restore Illinois Plan on May 29, 2020; and

WHEREAS, on May 29, 2020, the Governor of the State of Illinois extended the disaster proclamation for an additional thirty (30) days. On May 29, 2020, the Governor of the State of Illinois issued Executive Order 2020-36 and Executive Order 2020-37 pertaining to the implementation of the Restore Illinois Plan through June 27, 2020; and

WHEREAS, as the Local Liquor Commissioner, the Village President has the authority to adopt rules and regulations related to the retail sale of alcoholic beverages within the corporate boundaries of the Village of Franklin Park; and

WHEREAS, the Village President has determined that it is necessary to make this Executive Order to best protect the public's health, safety, and welfare regarding the COVID-19 pandemic; and

WHEREAS, the Village President has further determined that the relief herein provided will benefit the residents and businesses of the Village and serve to alleviate the financial impact of the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDERED, by the Village President of the Village of Franklin Park, Cook County, Illinois:

Section 1. Incorporation. The recitals and findings above shall be and are incorporated in this Section 1, as if fully restated herein.

Section 2. Executive Order. To help Village residents, businesses and the community at large deal with the significant repercussions of the COVID-19 pandemic and to address certain matters contained in previous Executive Orders pertaining to dates, fees, licenses and permits but only to the extent herein specifically provided, it is ordered:

1. **Liquor License Fees.** Notwithstanding anything contained in the Village Code of Franklin Park, Illinois (the "Code") to the contrary, any liquor license holder unable to operate during the State of Illinois Governor's "Stay at Home" order(s) and renewing a liquor license for the 2020-2021 period shall receive a twenty-five percent (25%) prorated credit of the annual license fee at the time of renewal (either June 1, 2020 or November 1, 2020). The 2020-2021 annual license fee shall receive said credit for a three-month period, which shall represent such time as the business of the liquor license holder was suspended in any capacity during the Governor's "Stay at Home" order(s). Any Licensee whose business operations was not suspended in any capacity is not eligible.

2. **Delivery and Carry Out of Mixed Drinks.** Notwithstanding anything contained in any prior Executive Order to the contrary, pursuant to 235 ILCS 5/6-28.8, effective June 2, 2020, the delivery and carry out of mixed drinks is permitted but only by a liquor license holder authorized to serve alcoholic liquor for consumption on the premise. No additional local liquor license is required. Failure by any applicable liquor license holder to abide by the requirements contained in Section 6-28.8, any guidelines or bulletins issued by the Illinois Liquor Control Commission, including but not limited to the bulletin titled "*Sales and Delivery of 'To Go' Mixed Drinks or Cocktails, dated June 2, 2020*" or the Code shall automatically suspend the right of said liquor license holder to deliver and carry out mixed drinks pursuant to this Executive Order. Authorization for delivery and carry out of mixed drinks pursuant to this Executive Order shall expire on January 2, 2021 notwithstanding anything to the contrary in Section 6-28.8.

3. **Garage or Yard Sales; Block or Yard Party Applications.** Registration for garage or yard sales are suspended. Garage and yards sales shall not be permitted until July 6, 2020 to slow down person-to-person contact in the Village provided no less than Phase 3 of the Restore Illinois Plan is in place. No application or petition for a block or yard party shall be processed and no block or yard party shall be permitted until entry into Phase 4 of the Restore Illinois Plan to slow down person-to-person contact in the Village. Face covering and social distancing should be practiced.

4. **Commuter Parking Facility at Railroad Station.** The commuter parking facility monthly permit for June 2020 shall be refunded to an applicable permit holder upon request.

5. **Interpretation.** The word "suspended" as used in this Executive Order shall mean "waived to the extent applicable" but no more.

Section 3. Term; Revocation. No permit or license issued pursuant to this Executive Order shall constitute personal property, and the Village shall retain the right to terminate or revoke any permit or license upon twenty-four (24) hours' notice to the applicant.

Section 4. Implementation, Administrative Rules and Procedures. The Department Heads of the Village shall implement this Executive Order. The Department Heads of the Village are authorized and directed to formulate and revise administrative rules and procedures and draft appropriate applications necessary to implement and enforce this Executive Order. Discretionary acts under this Executive Order shall be made by each Department Head of the Departments and the Village President using their best judgment.

Section 5. No Vested Rights. This Executive Order grants no vested rights and no person or entity shall have any claim to vested rights in any relief granted in this Executive Order or any claim or property right in any permit or license authorized or issued pursuant to this Executive Order.

Section 6. Legal Effect. This Executive Order only addresses the matters set forth above arising under the Village Code. This Executive Order does not waive or suspend compliance with any Federal, State, County or other applicable local laws, rules, regulations, and requirements.

Section 7. Saving Clause. If any section, provision or clause of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other section, provision or clause or application of this Executive Order, which can be given effect without the invalid section, provision or clause or application. To achieve this purpose, the sections, provisions, or clauses of this Executive Order are declared to be severable.

Section 8. Duration. This Executive Order takes effect immediately and expires upon the earlier of (a) the termination of the Gubernatorial Disaster Declaration by the Governor of the State of Illinois; or (b) the withdrawal or amendment of this Executive Order by the Village President.

Barrett F. Pedersen, Village President
Village of Franklin Park, Illinois

Date: June 4, 2020

Subscribed and sworn to (or affirmed) before me by
Barrett F. Pedersen, Village President, Village of Franklin
Park, Illinois who is to me personally known on June 4, 2020.

Notary Public

(SEAL)

