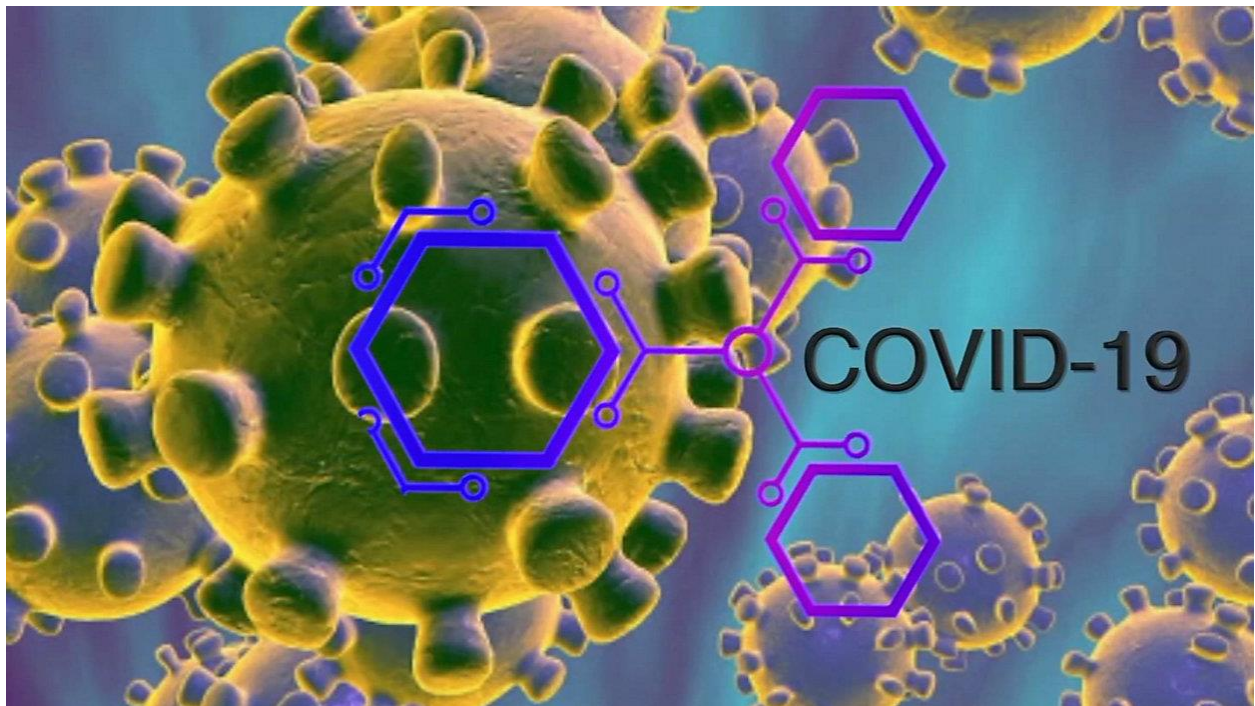




**CITY MANAGER
EXECUTIVE ORDER 2020-16
OFF PREMISE DINING & BAR OPERATIONS**



June 24, 2020



Tim Gleason, City Manager

§ 16.1 INTRODUCTION

On May 5, 2020, the Governor released his Restore Illinois Plan and the City is expected to go into Phase 4 of this Plan on June 27th. In Phase 3 restaurants and bars were able to begin providing outdoor service subject to certain capacity and safety limitations and precautions. The City Manager issued Amended Executive Order 2020-13 to put in place a process for restaurants and bars to expand their serving areas outdoors. While Phase 4 allows restaurants and bars to provide service inside with limited capacity, it is anticipated establishments will want to continue offering outdoor service options.

§ 16.2 AUTHORITY

On March 26, 2020, the City Council approved an Ordinance Declaring a Local Emergency due to the COVID-19 Virus & Enacting Various Emergency Measures. This Ordinance was amended on May 26, 2020, adding a new Section 2(S) providing the City Manager with the authority to facilitate temporary outdoor business operations, including waiving City requirements related the expansion of a business premises and the use of public right-of-way for premises expansion.

§ 16.3 ADOPTION OF RULES FOR NEW OUTDOOR SERVICE OPERATIONS; RENEWALS

- A. Effective June 24, 2020, the rules attached as Exhibit A shall apply to establishments providing regulated outdoor dining and/or bar service. Any applicable fees shall be waived. In order to operate an outdoor service area, the application and agreement, attached as Exhibit A, and a floor plan of the proposed outdoor service area (hand drawn plans will be acceptable) must be submitted and approved by the City Manager, or designee, prior to the opening any off premise outdoor service area.
- B. Establishments that have an existing Outdoor Dining & Service Agreement with the City may renew their agreement by completing the renewal application located at the top of the City's website (www.cityblm.org).

§ 16.4 EXISTING OUTDOOR SERVICE OPERATIONS

Permanent outdoor service areas established prior to local emergency orders and the State plan, may be used, but must also comply with existing local, state, and federal rules, as well as the rules attached as Exhibit A.



HEALTH OFFICIAL RECOMMENDATIONS

1. Practice social distancing;
2. Washing your hands often;
3. Avoid touching your eyes, nose and/or mouth with unwashed hands;
4. Avoid contact with sick people;
5. Stay home if you are sick;
6. Cover your mouth/nose with a tissue or sleeve when coughing or sneezing; and
7. Clean and disinfect frequently touched objects and surfaces.

For more information on COVID-19 and related health information, please visit the following websites:

www.cdc.gov

dph.illinois.gov

health.mcleancountyil.gov

§ 16.5 NOISE RESTRICTIONS

Music may be played until 10:00 p.m., provided it does not disturb neighboring residences or businesses, and does not violate the noise ordinance of the City of Bloomington located in Chapter 28, Section 107 of the Bloomington City Code. Music shall cease after 10:00 p.m.

§ 16.6 REPEAL OF PRIOR EXECUTIVE ORDER

City Manager Executive Order 2020-13 shall be repealed upon the effectiveness of this City Manager Executive Order 2020-16, however all existing Outdoor Dining & Service Agreements in effect shall continue in full force and effect through June 30, 2020, subject to the terms and conditions of said agreements. Said agreements may be renewed as set forth in Section 16.3(B).

§ 16.7 EFFECTIVENESS

This City Manager Executive Order 2020-16 shall be effective June 24, 2020, through August 31, 2020, unless repealed or amended further by the City Manager.

EXHIBIT A



OUTDOOR DINING & BAR SERVICE OPERATION RULES

1. Outdoor seating areas shall be allowed within public rights-of-way (sidewalks, green spaces, alleys, parking spaces, parking lots, etc.) along the business' frontage. Establishments may expand outdoor dining in front of neighboring businesses or to other areas with written permission from immediately adjacent property owners or from the City of Bloomington. Outdoor seating areas must comply with any and all applicable requirements of the Americans with Disabilities Act ("ADA").
2. Establishments must create physical boundaries for outdoor seating areas and avoid creating conflict points between pedestrians and vehicles. Examples include caution tape, planters, parking blocks, etc.
3. Areas may not block handicapped parking spaces, fire lanes, hydrants, or sprinkler system connections and must leave at least 6 feet of passable distance if established on sidewalks.
4. Outdoor seating areas shall be located at least one parking spot from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature if located at the corner. All City placed barriers must not be moved or adjusted by the Establishment. Moving said barriers may result in revocation of the Establishment's permit.
5. Establishments shall be responsible for providing adequate trash, litter, and refuse disposal in and around the expanded area. Tables shared amongst businesses must have a single point of cleaning responsibility.
6. If constructed, outdoor dining area decking must be flush with the curb and may not have more than ½" gap from the curb. If decking is installed, a minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets. Decking must be constructed of durable material capable of withstanding weather elements. Deck installation shall not damage the sidewalk, street, curb, or any aspect of the public right-of-way.
7. Indoor restroom access must be provided to customers. Appropriate spacing for waiting and ordering and an accessible route from outdoor eating areas to restrooms shall be created.
8. Music may be played until 10:00 p.m., provided it does not disturb neighboring residences or businesses, and does not violate the noise ordinance of the City of Bloomington located in Chapter 28, Section 107 of the Bloomington City Code. Music shall cease after 10:00 p.m.
9. Outdoor seating areas must close to the public by 10:30p.m. Sunday-Thursday and midnight on Fridays and Saturdays. The City reserves the right to amend times depending upon circumstances.
10. Establishments with existing liquor licenses, with no pending violations, may serve alcohol in the temporary expanded area after notifying the City Clerk via completion of the Outdoor Dining & Service Application. Open alcohol may not be removed from this area.
11. Tents with a minimum of 2 sides open shall be allowed upon approval by the City of Bloomington.
12. Establishments shall provide outdoor hand washing /sanitizing stations.
13. Establishments located on private property may utilize up to 50% of their parking lot for outdoor service.
14. Off premise cooking, bartending, or buffets outside shall not be allowed. Smoking is likewise prohibited.
15. The permittee must agree to indemnify and defend the City of Bloomington against any loss or claim from any third party resulting in any way from the permittee's establishment or operation of a temporary outdoor seating area. Permittee must also have adequate liability insurance coverage for its establishment and operation of the temporary outdoor seating area naming the City of Bloomington as an additional insured. Proof of said insurance must be kept on file and up to date with the City Clerk.
16. The authorization for temporary outdoor seating continues through August 31, 2020 unless earlier terminated by the City. The City of Bloomington may terminate any temporary outdoor seating permit if it determines that a business is in violation, or if it is in the City's best interest to do so.



OUTDOOR DINING & BAR SERVICE OPERATION APPLICATION & AGREEMENT

Establishment Legal Name & DBA: _____

Establishment Representative: _____

Establishment Address: _____

Establishment Representative's Phone Number: _____

Establishment Representative's Email Address: _____

Is the Establishment seeking renewal of an existing Outdoor Dining & Service Area permit?
(check one) Yes No

If the Establishment maintains a City liquor license, does the Establishment intend to serve liquor in the proposed outdoor space? (check one) Yes No

Does the Establishment intend to erect a tent or other accessory structure in the proposed outdoor space?
(check one) Yes No

In consideration of being issued authorization to conduct off-premises services, the undersigned Establishment (also referred to as "Permittee") agrees as follows:

1. The Establishment agrees to and shall follow the City of Bloomington ("City") Outdoor Dining & Bar Service Operation Rules ("Rules") and all other applicable laws. Failure to comply may result in suspension of off premise operation privileges and/or other applicable citations or violations.
2. A floor plan of the proposed outdoor service area (hand drawn plans acceptable) is attached to this application or will be promptly submitted, which Permittee agrees to maintain while providing off premise services. The floor plan must demonstrate physical boundaries, as required by the Rules, that will be used for the outdoor seating area.
3. In accordance with this application and agreement, the Permittee agrees to indemnify and defend the City of Bloomington against any loss or claim from any third party resulting in any way from the permittee's establishment or operation of a temporary outdoor seating area.
4. Permittee agrees to and will provide adequate liability insurance coverage for its establishment and operation of the temporary outdoor seating area naming the City of Bloomington as an additional insured. Proof of said insurance must be kept on file and up to date with the City Clerk.
5. The authorization for temporary outdoor seating shall continue only through August 31, 2020, unless earlier terminated by the City.

Signature of Permittee / Establishment

Title

Date