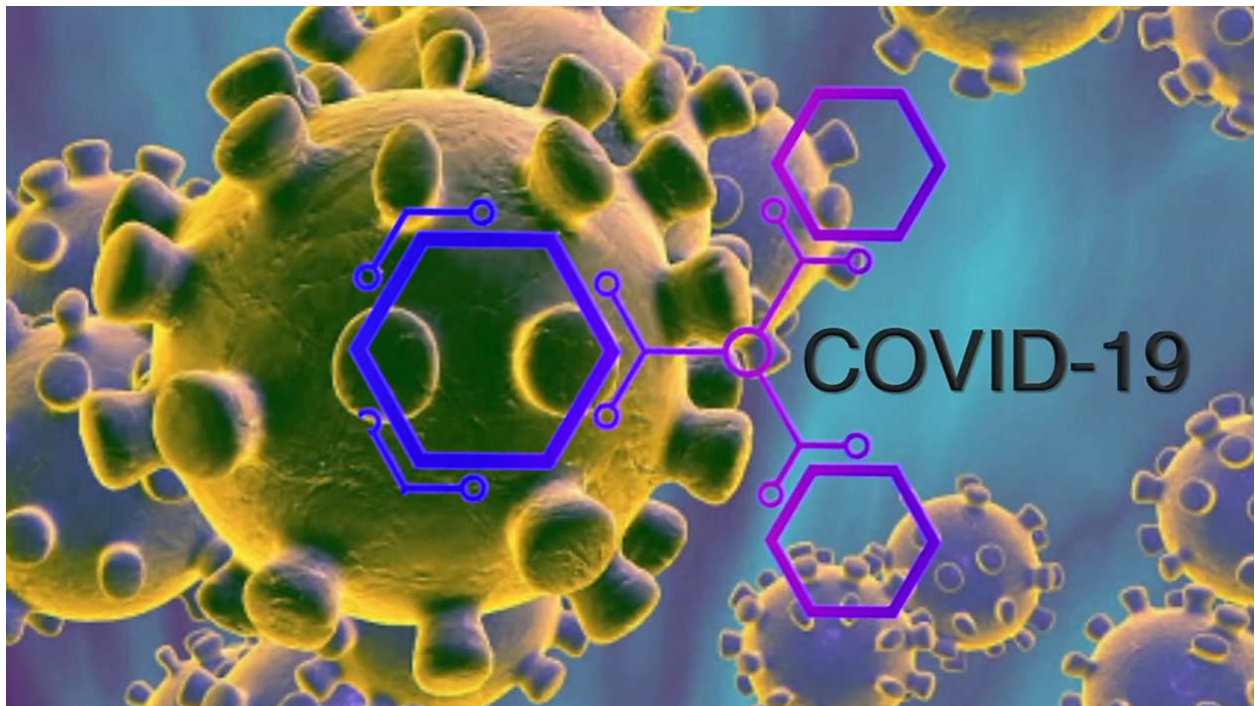




**CITY MANAGER  
EXECUTIVE ORDER 2020-21  
OFF PREMISE DINING & BAR OPERATIONS**



August 28, 2020

  
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Tim Gleason, City Manager

## § 21.1 INTRODUCTION

On May 5, 2020, the Governor released his Restore Illinois Plan and the City went into Phase 4 of this Plan on June 26. Phase 4 is titled “Revitalization” and opened additional sectors of the economy, including retail, entertainment venues, personal care services and health clubs, bars and restaurants, manufacturing and other non-essential businesses. Through previous executive orders of the City Manager, the City has 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, establishments have found benefit to continuing to offer outdoor service options.

## § 21.2 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.

## § 21.3 ADOPTION OF RULES FOR NEW OUTDOOR SERVICE OPERATIONS; RENEWALS

- A. Effective August 28, 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. All Establishments must comply with all ADA requirements and sign the City’s Accessibility Acknowledgment Notice.
- C. 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](http://www.cityblm.org)) and signing the City’s Accessibility Acknowledgment Notice.



### 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.

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

[www.cdc.gov](http://www.cdc.gov)

[dph.illinois.gov](http://dph.illinois.gov)

[health.mcleancountyil.gov](http://health.mcleancountyil.gov)

#### **§ 21.4 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.

#### **§ 21.5 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.

#### **§ 21.6 CLOSING TIMES OF OUTDOOR SERVICE AREAS**

All outdoor service areas must close at 10:30 p.m. Sunday through Thursday and midnight (12:00 a.m.) on Fridays and Saturdays. It is the sole responsibility of the business owner (permit holder) to enforce closure times including prohibiting loitering in outdoor areas. The City Manager, through written approval, reserves the right to amend times depending upon circumstances.

#### **§ 21.7 REPEAL OF PRIOR EXECUTIVE ORDER**

City Manager Executive Order 2020-16 shall be repealed upon the effectiveness of this City Manager Executive Order 2020-20, however all existing Outdoor Dining & Service Agreements in effect shall continue in full force and effect through August 31, 2020, subject to the terms and conditions of said agreements. Said agreements may be renewed as set forth in Section 16.3(B).

#### **§ 21.8 EFFECTIVENESS**

This City Manager Executive Order 2020-20 shall be effective August 28, 2020, through November 30, 2020, unless repealed or amended further by the City Manager.



**OUTDOOR DINING & BAR SERVICE OPERATION RULES**  
(Effective August 28, 2020)

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.
2. Outdoor seating areas must comply with any and all applicable requirements of the Americans with Disabilities Act ("ADA") and execute an Accessibility Acknowledgement Notice that they are aware of the requirements and are in compliance. The ADA compliance includes, but is not limited to:
  - a. **Accessible tables:** At least 5% of the tables, or at least 1 if less than 20 are provided, must be accessible and accommodate people using wheelchairs if doing so is readily achievable. Movable chairs can be used for these tables with chairs removed when people using wheelchairs use the table(s).
  - b. **Location of accessible tables:** Accessible surfaces where required shall be dispersed throughout the dining spaces and not clustered in a single area. If not readily achievable, services must be provided in another accessible location available to all customers. This means that accessible tables must be provided in the outdoor dining area (i.e., on the street or sidewalk).
  - c. **Table height:** Accessible tables must have a surface height of no more than 34 inches and not less than 28 inches above the floor. At least 27 inches of knee clearance must be provided.
  - d. **Accessible route:** There must be access to each accessible table and a clear floor area of 30 inches by 48 inches. The clear floor area extends 19 inches under the table for leg and knee clearance.

More information on ADA compliance and requirements can be found on the City's website at [www.cityblm.org/ada](http://www.cityblm.org/ada). It should be noted these are minimum requirements, and the City encourages all establishments to pursue even greater accessibility for patrons. Establishments that desire to do more and/or that have questions on compliance should contact the City Clerk's Office at 434-2240.

3. 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.
4. 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.
5. 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.
6. 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.
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. 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.
9. 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.
10. 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.
11. 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.
12. Tents with a minimum of 2 sides open shall be allowed upon approval by the City of Bloomington.
13. Establishments shall provide outdoor hand washing /sanitizing stations.
14. Establishments located on private property may utilize up to 50% of their parking lot for outdoor service.
15. Off premise cooking, bartending, or buffets outside shall not be allowed. Smoking is likewise prohibited.
16. 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.
17. The authorization for temporary outdoor seating continues through November 30, 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.



**ACCESSIBILITY ACKNOWLEDGMENT NOTICE**

By execution of this Accessibility Acknowledgment Notice (“Notice”), I acknowledge and agree that I have read and been informed about the content, requirements and expectations of Americans with Disabilities Act (“ADA”) compliance related to my provision of outdoor dining and/or bar service. Specifically, I acknowledge and agree that outdoor seating areas must comply with any and all applicable requirements of the ADA. As a result, I acknowledge and agree that I must have accessible tables and routes for my establishment’s outdoor guests and patrons. This specifically includes:

- a. **Accessible tables:** At least 5% of the tables, or at least 1 if less than 20 are provided, must be accessible and accommodate people using wheelchairs if doing so is readily achievable. Movable chairs can be used for these tables with chairs removed when people using wheelchairs use the table(s).
- b. **Location of accessible tables:** Accessible surfaces where required shall be dispersed throughout the dining spaces and not clustered in a single area. If not readily achievable, services must be provided in another accessible location available to all customers. This means that accessible tables must be provided in the outdoor dining area (i.e., on the street or sidewalk).
- c. **Table height:** Accessible tables must have a surface height of no more than 34 inches and not less than 28 inches above the floor. At least 27 inches of knee clearance must be provided.
- d. **Accessible route:** There must be access to each accessible table and a clear floor area of 30 inches by 48 inches. The clear floor area extends 19 inches under the table for leg and knee clearance.

Due to the very minimum and basic requirements outlined above, I acknowledge these are readily achievable and will advise the City, in writing, with any requirement that is not readily achievable for my establishment including a detailed explanation of why such requirement cannot be achieved.

I acknowledge my Outdoor Dining permit may be revoked for failure to abide by the ADA requirements and standards.

More information on ADA compliance and requirements can be found on the City’s website at [www.cityblm.org/ada](http://www.cityblm.org/ada).

I acknowledge these are minimum accessibility requirements, and that the City encourages all establishments to pursue even greater accessibility for patrons. I further I acknowledge I have been given the contact information for the City Clerk’s Office, 434-2240, for who to contact if I have questions or want to discuss increasing accessibility for patrons beyond the minimum requirements.

\_\_\_\_\_  
Signature of Permittee / Establishment

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**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, rules and State guidelines. Failure to comply may result in suspension of offpremise 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 Establishment is in compliance with ADA Standards, including those specifically identified in the Rules, has executed the Accessibility Acknowledgement Notice and understands that any non-compliance of the aforementioned, will cause the permit to be revoked, and continued operation shall cause the business entity to be in violation of City Code for operating without a permit.
6. The authorization for temporary outdoor seating shall continue only through November 30, 2020, unless earlier terminated by the City.

\_\_\_\_\_  
Signature of Permittee / Establishment

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date