

Executive Order No. 2020-01

AN EXECUTIVE ORDER AUTHORIZING FOR SALE OF ALCOHOLIC LIQUOR BY EXISTING CLASS B AND CLASS C-1 LIQUOR LICENSE HOLDERS FOR OFF-PREMISES CONSUMPTION BY CARRY-OUT OR PICK-UP

WHEREAS, the Liquor Control Act of 1934 (235 ILCS 5/4-1 *et seq.*) grants to the City of Geneva the power, by general ordinance or resolution, to determine, among other things, the number, kind and classification of licenses for sale at retail of alcoholic liquor, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses as the public good and convenience may require; and

WHEREAS, pursuant to the authority granted under the Liquor Control Act, the City of Geneva carefully licenses and regulates the sale and service of alcoholic liquor in the City; and

WHEREAS, among the alcoholic liquor regulations are classifications of liquor licenses established by Title 4, Chapter 2 of the Geneva Municipal Code; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 15, 2020 the Corporate Authorities of the City of Geneva, Illinois declared a state of emergency and local disaster exists; and

WHEREAS, the Corporate Authorities by Ordinance 2020-10 granted 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; and

WHEREAS, on March 16, 2020; the Governor of the State of Illinois issued Executive Order 2020-07 which, among other things, prohibited the on-site consumption of public food or beverages in most businesses through March 30, 2020, and prohibited public and private gatherings in the State of Illinois of 50 people or more in most cases for the duration of the Gubernatorial Disaster Proclamation; and

WHEREAS, the restriction of on-site consumption of alcoholic liquor within the City is anticipated to have a direct and substantial economic impact on the viability of a number of city businesses with Class B and Class C-1 Liquor Licenses; and

WHEREAS, because the Gubernatorial Disaster Proclamation and subsequent Executive Order prevent the duly licensed activity of on-site consumption of food and alcoholic liquors, the order of food and alcoholic beverages for carry-out or pick-up is, for the duration of the prohibition on on-premises consumption to be the equivalent of on-premises consumption; and

WHEREAS, the Mayor of the City of Geneva accordingly deems it imperative, and in the best interests of the health, welfare and safety of the residents and businesses of the City, to authorize, during the duration of the Governor's ban on on-premises consumption, the sale of alcohol by Class B or Class C-1 Liquor Licensees as set forth below.

NOW, THEREFORE, by the powers vested in me as the Mayor of the City of Geneva, Kane County, Illinois, I order as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The Gubernatorial Disaster Proclamation and subsequent Executive Order prevent the duly licensed activity of on-site consumption of food and alcoholic liquors, the order of food and alcoholic beverages for carry-out or pick-up, for the duration of the prohibition on on-premises consumption, is deemed to be the equivalent of on-premises consumption.

SECTION 3: For the duration of the Governor's ban on on-premises consumption, the Mayor as the Local Liquor Commissioner of the City of Geneva has deemed it appropriate and necessary to allow the sale of beer and wine, or alcoholic liquor, as applicable, by Class B or Class C-1 Liquor Licensees in original sealed containers, for consumption off-premises.

SECTION 4: All other provisions of Title 4, Chapter 2 of the Geneva Municipal Code not in conflict with this Executive Order remain in full force in effect.

SECTION 5: All ordinances, or parts of ordinances, in conflict with the provisions of this Executive Order, to the extent of such conflict, are held in abeyance during the life of this Executive Order.

SECTION 6: Each section, paragraph, clause and provision of this Executive Order is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Executive Order, nor any part thereof, other than that part affected by such decision.

SECTION 7: Except as to the Code provisions set forth above in this Executive Order, all chapters and sections of the City Code of the City of Geneva, as amended, shall remain in full force and effect.

SECTION 8: It is in the best interests of the City that the provisions of this Executive Order be effective immediately for purposes of implementation.

So ordered by me, the Mayor of the City of Geneva, this 19 day of March, 2020.



Kevin R. Burns, Mayor

ATTEST:

Deputy City Clerk

Issued by the Mayor March 19, 2020
Filed with the Deputy City Clerk March 19, 2020