



Executive Order No. 2020-06

AN EXECUTIVE ORDER AUTHORIZING THE TEMPORARY DELIVERY OF ALCOHOLIC LIQUOR

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 and April 30, 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 and on April 20, 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 and Ordinance 2020-11 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

WHEREAS, on April 1, 2020, the Governor of the State of Illinois issued Executive Order 2020-18 which, among other things, extended the prohibition for the on-site consumption of public food or beverages in most businesses through April 30, 2020; and

WHEREAS, on April 30, 2020, the Governor of the State of Illinois issued Executive Order 2020-32 effective May 1, 2020; 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 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.

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: Due to the hardships on liquor license holders as a result of the COVID-19 virus outbreak and in an effort to limit gatherings at a single business location, the City of Geneva Liquor Commissioner temporarily authorizes the delivery of alcoholic liquor to non-licensees under the following conditions:

1. All retail licensees, including on-premises only licenses, ("Retailers") shall be authorized by the City of Geneva to conduct packaged sales, "to go" sales, curbside deliveries, home residential deliveries, and any other sale or delivery intended to promote social distancing ("Temporary Deliveries").
2. A State of Illinois licensed Brewer, Class 1 brewer, class 2 brewer, class 1 craft distiller, brew pub, distilling pub, and wine-maker premises license holders ("Temporary Delivery Licensees") shall have limited authority to make Temporary Deliveries of alcoholic liquor.
3. Retailers and Temporary Delivery Licensees shall not conduct Temporary Deliveries of alcoholic liquor they are not normally authorized to sell to non-licensees.
4. Retailers and Temporary Delivery Licensees may use third party delivery services to make Temporary Deliveries.
5. Including all sales of beer pursuant to 235 ILCS 5/6-6.5 (growlers/crowlers), all Temporary Deliveries shall be made in the original container. Licensees are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias).
6. All Temporary Deliveries made to a residence or to a curbside vehicle shall require the delivery representative to observe the appearance of the delivery recipient at a safe social distance and if necessary, require the examination of the recipient identification to ensure the recipient is over twenty-one. If such observation of the recipient or recipient identification cannot be accomplished while respecting safe social distancing, the alcoholic liquor shall be returned with a full refund.

SECTION 4: All other provisions of Title 4, Chapter 2 of the Geneva Municipal Code, and previous Executive Orders 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 5th day of May, 2020.



A large, stylized handwritten signature in black ink, which appears to be "KR Burns".

Kevin R. Burns, Mayor

ATTEST:

A handwritten signature in black ink, which appears to be "Stephanie K.".

Deputy City Clerk

Issued by the Mayor May 5, 2020
Filed with the Deputy City Clerk May 5, 2020