

RESOLUTION

RESOLUTION AND TEMPORARY MORATORIUM ON THE ENFORCEMENT OF THE MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE AND LIQUOR CONTROL ORDINANCE AS THEY RELATE TO OUTDOOR SEATING, SERVICE, AND SALE OF FOOD AND ALCOHOL.

WHEREAS, the Governor of the State of Illinois has issued executive orders in response to the COVID-19 pandemic which limit the service and sale of food and alcohol by restaurants and taverns to only those which can accommodate outdoor seating; and

WHEREAS, the McHenry County Board anticipates limits on capacity of indoor seating for an additional period of time as new executive orders are issued; and

WHEREAS, the McHenry County Board desires to support restaurants and bars in unincorporated McHenry County by facilitating outdoor seating, service, and sale of food and alcohol as a means to generate revenue for these local businesses; and

WHEREAS, the McHenry County Unified Development Ordinance contains certain provisions which regulate and restrict outdoor seating and service of food and alcohol for restaurants and taverns; and

WHEREAS, certain McHenry County Conditional Use Permit Ordinances contain certain provisions which regulate and restrict outdoor seating and service of food and alcohol for restaurants and taverns; and

WHEREAS, the McHenry County Liquor Control Ordinance contains provisions that prohibit certain license classes from selling and serving alcohol for consumption outside the confines of a physical structure; and

WHEREAS, the Illinois Liquor Control Commission has determined that the executive orders and recent legislation allow local liquor commissions to permit the sale and service of alcohol for consumption outside of the premises of the licensed business' physical structure without requiring an application for a special temporary license from the state commission.

NOW THEREFORE BE IT RESOLVED, there shall be a temporary moratorium on the enforcement of Unified Development Ordinance provisions and conditional use permit ordinance restrictions as they relate to outdoor seating, service, and sale of food and alcohol by restaurants and taverns provided that all such seating and service occurs within the property lines of the restaurant or tavern, and provided that the activity complies with all other federal, state and local regulations including but not limited to the Illinois Liquor Control Act and the McHenry County Public Health Ordinance; and

BE IT FURTHER RESOLVED, this resolution and temporary moratorium shall serve as proof of permission by the local liquor commission for current McHenry County liquor license holders to sell or serve alcohol to the full extent as allowed by their state liquor license with regard to sale and service of alcohol for consumption on or off premise provided that the license holder remains in compliance with all federal, state and local laws and regulations including but not limited to the Illinois Liquor Control Act and the McHenry County Public Health Ordinance. Any license holder wishing to serve or sell alcohol beyond its property lines must request permission to do so from the McHenry County Liquor Commissioner who may impose additional conditions at his discretion; and

BE IT FURTHER RESOLVED, that this moratorium shall take effect upon passage and shall remain in effect until allowable indoor seating and service capacity at bars and restaurants exceeds 75% pursuant to state or local regulations or until December 31, 2020, whichever comes first. Nothing in this resolution and moratorium shall be construed as limiting the County's authority to enforce any other

provisions of the Unified Development Ordinance, individual conditional use permits, or the Liquor Control Ordinance, including but not limited to limitations on hours of operation and noise.

DATED at Woodstock, Illinois, this 16th day of June, A.D., 2020.

Jack D. Franks, Chairman
McHenry County Board

ATTEST:

Joseph J. Tirio, County Clerk