



Incorporated in 1869

## Village of Rochester

SANGAMON COUNTY, ILLINOIS

---

ORDINANCE  
NUMBER 20-11

---

**AN ORDINANCE ALLOWING FOR OUTDOOR SERVICE OF ALCOHOL AND  
FURNISHING OF ALCOHOL FOR IN-PERSON PURCHASES FOR CONSUMPTION  
OFF-PREMISES PURSUANT TO THE STATE OF ILLINOIS EXECUTIVE  
DEPARTMENT'S EXECUTIVE ORDERS RELATED TO COVID-19 AND  
LEGISLATION REGARDING THE SAME**

---

JOSEPH C. SUERDIECK, Village President  
LYNN LANGDON, Village Clerk

MATT BUTCHER  
MARIBETH EANDI  
HAROLD HENDRICKSON  
JOE HILL  
STACIA MUNROE  
DOUG ZOBRIST  
Village Trustees

---

Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Rochester

on May 27, 2020

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

**Ordinance No. 20-11**

**AN ORDINANCE ALLOWING FOR OUTDOOR SERVICE OF ALCOHOL AND FURNISHING OF ALCOHOL FOR IN-PERSON PURCHASES FOR CONSUMPTION OFF-PREMISES PURSUANT TO THE STATE OF ILLINOIS EXECUTIVE DEPARTMENT'S EXECUTIVE ORDERS RELATED TO COVID-19 AND LEGISLATION REGARDING THE SAME**

**WHEREAS**, the Village of Rochester (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, the Illinois Liquor Control Act of 1934, 235 ILCS 5/4-1, sets forth the rights of municipalities to govern and restrict the sale of alcoholic liquor within their communities; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor, not inconsistent with the Act, and the amount of local licensee fees to be paid for the various kinds of licenses to be issued; and

**WHEREAS**, Section 4-2 of the Act provides that the Village has the authority to establish such further regulations and restrictions upon the issuance of a local license not inconsistent with the law as the public good and convenience may require; and

**WHEREAS**, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged; and,

**WHEREAS**, on March 9, 2020, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area due to the ongoing spread of COVID-19; and,

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and,

**WHEREAS**, on March 16, 2020, Governor JB Pritzker issued Executive Order 2020-07;  
and,

**WHEREAS**, pursuant to Executive Order 2020-07, beginning March 16, 2020 at 9:00 p.m. through March 30, 2020, all businesses that offer food or beverage for on-premises consumption – including restaurants, bars, grocery stores, and food halls – must suspend service for and may not permit on-premises consumption. Such businesses are permitted and encouraged to serve food and beverages so they may be consumed off-premises, as currently permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up. In addition, customers may enter the premises to purchase food or beverages for carry-out; and,

**WHEREAS**, Executive Order 2020-07 has been subsequently extended; and,

**WHEREAS**, on May 5, 2020, Governor Pritzker issued his Restore Illinois plan, a public health approach to safely reopen Illinois; and,

**WHEREAS**, Governor Pritzker has announced that beginning on May 29, 2020, bars and restaurants with outdoor seating will be able to reopen and serve food and beverages for consumption on the premises, provided that the only areas for service are outdoors and patrons are able to maintain adequate social distancing; and,

**WHEREAS**, at the encouragement of the State of Illinois, the Village of Rochester wishes to be flexible and creative in its ability to assist businesses impacted by the Governor's Executive Orders; and,

**WHEREAS**, on May 23, 2020, the Illinois House and Senate approved House Bill 2682 which would allow restaurants and bars to serve cocktails to go; and,

**WHEREAS**, in consideration of the easing of restrictions on the service of alcoholic beverages during the COVID-19 pandemic the Village wishes to likewise ease its local restrictions to allow for reopening bars and restaurants within the Village; and,

**WHEREAS**, the President and Village Board believe it to be in the best interest of the Village to not hinder license holders from conducting in-person sales.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Rochester, County of Sangamon, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Adoption of State guidelines for in-person sales. All license holders authorized by the State Commission to sell alcoholic liquor, non-alcoholic liquor and food at retail for consumption off the licensed premises may conduct “in-person” in accordance with State law.

**Section 3.** Suspension of certain ordinance provisions. All liquor license holders are permitted to establish outdoor seating areas for service and are permitted to serve alcohol in such area. The outdoor area must comply with any rules and regulations established by the Liquor Commissioner. All sales must be conducted outside of the permitted license structure and patrons may not be allowed inside the licensed structure for the purpose of mingling, loitering, consuming food and beverages, or purchasing food and beverages.

**Section 4.** Powers of Liquor Commissioner. The Village President, as liquor commissioner, is hereby authorized to promulgate rules and regulations addressing the temporary relaxation of certain provisions for outdoor service. The Village President is hereby authorized to allow establishments to temporarily reduce required parking to open space for outdoor service,

including closing public parking directly adjacent to a licensed premise. The Village President is hereby authorized to impose discipline upon a licensed establishment in violation of the Village Code or the rules and regulations including, but not limited to, revocation of the temporary privileges granted herein. Notwithstanding the foregoing, the Village President may only expand rights of licensees to the extent provided by Illinois law, Illinois Executive Orders, Regulations promulgated by the Illinois Liquor Control Commission, Restore Illinois operating guidance by the Illinois Department of Commerce and Economic Opportunity, the Illinois Department of Public Health, or the like, and the Village president cannot expand rights greater than those allowed by the State of Illinois and cannot promulgate rules that directly conflict with the Village Ordinances not suspended herein.

**Section 5.** Sunset. This Ordinance shall immediately cease and no longer be of effect if and when either of the following occurs: (i) bars and restaurants are allowed to serve food and beverages on and off premises as they were prior to the Governor's restrictions put in place due to the COVID-19 pandemic; (ii) the Illinois Liquor Control Commission issues a Compliance Directive that conflicts with this Ordinance or any part hereof; or, (iii) by Ordinance passed by the Village that conflicts with this Ordinance or any part hereof, or which repeals this Ordinance.

**Section 6.** Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 7.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Rochester prior to

the effective date of this ordinance.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SO ORDAINED this 27 day of May, 2020, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MATT BUTCHER	X			
MARIBETH EANDI	X			
HAROLD HENDRICKSON			X	
JOE HILL	X			
STACIA MUNROE	X			
DOUG ZOBRIST			X	
<i>Pres.</i>				
TOTAL	4	0	2	

**APPROVED** by the President of the Village of Rochester, Illinois this 27 day of May, 2020.

  
JOSEPH C. SUERDIECK, Village President

Attest:

  
LYNN LANGDON, Village Clerk

### **Rules for Temporary Outdoor Service for Licensed Establishments**

A licensee may serve alcoholic liquor, as authorized by his or her primary classification, outside of the permanent structure and off his or her premises for consumption purposes only, including onto a defined portion of the village's streets, alleys and/or sidewalks (hereinafter "permitted area"), subject to the following restrictions and conditions:

(1) Providing temporary fencing around the permitted area and no alcoholic liquor is permitted outside of said designated and fenced area. The fencing shall provide at least one primary means of ingress and egress around the permitted area, as well as an emergency exit, unless additional areas or exits are necessary for fire and safety reasons as determined by the Village Liquor Commissioner.

(2) The holder of the license shall be responsible for monitoring the means of ingress and egress, as well as other areas of the permitted area so as to provide for adequate crowd control and to prevent any alcoholic liquors from being removed from the permitted area by invitees or customers.

(3) The holder of the license shall be required to participate in a meeting with representatives from the Village's law enforcement officers to review the physical layout of the site for the event and the designated area, to address the fencing and all other safety issues.

(4) The holder of the license is responsible for removal of all refuse, litter, debris, garbage and the like from the permitted area within two hours of the close of business for the day. Any license holder that fails to remove all refuse, litter, debris, garbage and the like as required shall be billed for the Village's services in performing such removal which the holder agrees to pay within 60 days of billing.

(5) The holder of the license, or an employee or agent thereof, shall be responsible for checking the identification of all invitees or guests that will consume alcoholic liquor within the permitted area and shall provide a wristband or other form of identification to demonstrate the individual is 21 years of age or over.

(6) The holder of the license is required to provide necessary restroom facilities as determined by the village if such restroom facilities do not exist at the permitted area.

(7) Proper barriers and signage are erected to protect the permitted area as approved by the Village law enforcement and state law.

(8) The license holder shall indemnify the village for any and all damages or claims associated with the event and permit and shall be responsible for any damage done to Village property associated with the event and permit.

The licensee shall be subject to all other regulations governing the class of license held by the licensee, including but not limited to, regulations governing hours and the sale of food, except as specifically amended herein.