

THE CITY OF SPRINGFIELD, ILLINOIS

OFFICE OF THE MAYOR

Re: Conduct of Bars and Restaurants Due to COVID-19

**EMERGENCY ORDER NUMBER FIVE AND ORDER OF
THE LIQUOR COMMISSIONER**

NOW COMES, the Mayor James O. Langfelder, pursuant to the powers granted by the Illinois Municipal Code, Section 5/11-1-6, the Illinois Emergency Management Act, Section 3305/11, the Declaration of Local State of Emergency filed on March 25, 2020, the City of Springfield Code of Ordinances, as amended, and the Illinois Liquor Control Act with this Emergency Order. The Order is as follows:

BACKGROUND

1. A local state of emergency exists due to COVID-19 ("coronavirus"), which has been declared a global pandemic by the World Health Organization ("W.H.O.").
2. Certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease.
3. Proper precautions to avoid the spread of COVID-19 include social distancing of six or more feet apart.

AUTHORITY

4. Chapter 90 of the City of Springfield Code of Ordinances authorizes the Mayor, in his capacity as Local Liquor Commissioner, with "the administration of the appropriate provisions of the Illinois Liquor Control Act, of this chapter, and of such ordinances, resolutions, rules, and regulations relating to alcoholic liquor as may be adopted (Section 90.05(a))."
5. The Emergency Declaration filed on March 25, 2020, Chapter 20 and Chapter 33, Article XII of the City of Springfield Code of Ordinances states, in relevant part, the following:

During a local disaster emergency the mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of city business, or the orders, rules and regulations of any city agency, if strict compliance with the provisions of any ordinance, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency as authorized by "The Illinois Emergency Management Act ..." (Section 33.110(d))

ORDER

6. Therefore, in response to the coronavirus pandemic, the Mayor, pursuant to his powers under the Emergency Declaration filed on March 25, 2020 and Chapters 20, 33 and 90 of the City of Springfield Code of Ordinances, hereby adopts by reference the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.
7. It is further ordered that holders of all local liquor licenses, as set forth in Section 90.15 of the City of Springfield Code of Ordinances, are subject to the requirements set forth in the Illinois Department of Commerce and Economic Opportunities' "Restaurant & Bar Establishment Safety Guidelines," as issued on June 17, 2020.

PENALTIES

8. Violations of this order will result in penalties pursuant to Chapter 90 of the City of Springfield Code of Ordinances, including but not limited to fines, emergency closure, and/or suspension or revocation of the local liquor license. A copy of the Illinois Liquor Control Commission memorandum is attached to this Order as Exhibit A.

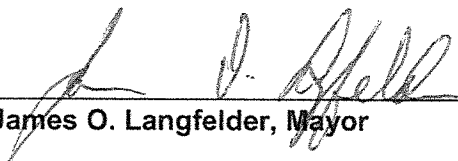
SAVINGS

9. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

DURATION

10. This Order shall remain in effect until such time that the local state of emergency, as declared on March 25, 2020, is lifted or upon further executive order by the Mayor.

HEREBY ORDERED THE 16th DAY OF JULY, 2020

By: 
James O. Langfelder, Mayor



-A-

Governor JB Pritzker
Cynthia Berg, Chair
Chimaobi Enyia, Executive Director

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Local Liquor Control Commission Summary Authority

The Illinois Liquor Control Act gives Local Liquor Control Commissioners ("LLCCs") the authority to temporarily cease a liquor license for a period of 7 days if the operation of the business "will immediately threaten the welfare of the community." 235 ILCS 5/7-5.

Per the Liquor Control Act,

If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

235 ILCS 5/7-5 (emphasis added).

Should a LLCC decide to act under the above referenced Section, the Illinois Liquor Control Commission recommends the following:

1. Consult City Attorney.
2. Commence an investigation.
3. If necessary, notify the bar/restaurant in writing that LLCC could immediately cease the license without a hearing if they violate restaurant/bar reopening requirements.
4. If necessary, issue a written order ceasing the liquor license for no more than 7 days which may include the following information:
 - a. Cite 235 ILCS 5/7-5 of the Illinois Liquor Control Act.
 - b. State date/s and time/s of when order is in effect.
 - c. State the basis for LLCC conclusions that continued operation of the bar/restaurant will immediately threaten the welfare of the community.
 - d. State that the licensee has the right to be heard during the license cessation period. For example, LLCC could allow the licensee to submit a plan to help ensure compliance with State bar/restaurant requirements.
 - e. Sign and date the order.
 - f. Require law enforcement agency to personally serve the order on owners/officers.
 - g. Monitor and enforce order if necessary.

Please contact the ILCC Legal Division at ILCC@illinois.gov for further guidance, if necessary.