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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE ADOPTING THE ROCHELLE DINING REOPENING PLAN &  
SUSPENDING PROVISIONS OF ARTICLE IV, CHAPTER 82 & ARTICLE XII,  
CHAPTER 110 OF THE MUNICIPAL CODE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

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**DAN McDERMOTT**  
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**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys  
200 W. Adams, Suite 2125, Chicago, IL 60606

**CITY OF ROCHELLE  
Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_  
Date Passed: \_\_\_\_\_, 2020**

**AN ORDINANCE ADOPTING THE ROCHELLE DINING REOPENING PLAN &  
SUSPENDING PROVISIONS OF ARTICLE IV, CHAPTER 82 & ARTICLE XII,  
CHAPTER 110 OF THE MUNICIPAL CODE**

**WHEREAS**, the City of Rochelle (“City”), County of Ogle, is a non-home rule body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, on March 9, 2020, Governor J.B. Pritzker declared all counties in the State of Illinois as a disaster area; and

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

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a national emergency concerning the novel COVID-19 outbreak; and

**WHEREAS**, the COVID-19 public health crisis and attendant measures taken to protect the public health have created an economic challenge our local businesses including bars and restaurants; and

**WHEREAS**, since March 16, 2020, local bars and restaurants have been prohibited from providing on-premises consumption of food or alcohol; and

**WHEREAS**, since March 20, 2020, local businesses have been prohibited from operating or have operated on a restricted basis; and

**WHEREAS**, since May 20, 2020, Governor J.B. Pritzker announce that local bars and restaurants could utilize on-site, outdoor seating, subject to certain guidelines, to serve customers; and

**WHEREAS**, to assist local bars, restaurants, and businesses in the short-term and provide relief with economic challenges while protecting the health and safety of its residents, the City is taking initiatives to adapt government resources and provisionally amend its Municipal Code for the current conditions; and

**WHEREAS**, such assistance shall follow the phasing in Governor Pritzker's Restore Illinois plan; and

**WHEREAS**, when the Restore Illinois Plan requires limited capacity and social distancing in bars and restaurants, the City shall provide additional outdoor space to assist bars and restaurants; and

**WHEREAS**, the Mayor and City Council have determined that it is appropriate and in the best interest of the welfare of City businesses, owners, employees, and patrons to provide additional outdoor space to assist bars and restaurants and to adopt the Rochelle Dining Reopening Plan, attached hereto as Exhibit 1;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION ONE: The Preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

SECTION TWO: ADOPTION OF THE “ROCHELLE DINING REOPENING PLAN”. The City Council hereby approves and adopts the “Rochelle Dining Reopening Plan”, attached hereto as **Exhibit 1** and incorporated herein.

SECTION TWO: The City shall take the following actions, which shall expire upon the lapse of the Governor’s Executive Orders, or subsequent Executive Orders:

A. **USE OF RIGHT-OF-WAY FOR PUBLIC PEDESTRIAN USE.** During the extent of the Gubernatorial Disaster Proclamation, the City provisionally waives the enforcement of the restrictions set forth in Article IV (Encroachments), Chapter 82 (Streets, Sidewalks and Other Public Places) of the Rochelle Municipal Code in those portions of the right-of-way depicted on **Exhibit 2**, attached hereto and incorporated herein by this reference, for public pedestrian use only. Hours of operation for these designated areas shall be limited to 7:00 am to 10:00 pm and use of the space will be for a maximum of 60 minutes.

B. **PUBLIC POSSESSION AND CONSUMPTION OF ALCOHOL.** During the extent of the Gubernatorial Disaster Proclamation, the City hereby provisionally waives the prohibitions on the public consumption or possession of any alcoholic liquors at any time in any designated street, alley or other designated public places owned, controlled or operating by the City as set forth in Sec. 6-7 (Possession or consumption in public) of the Rochelle Municipal Code as to those areas depicted on Exhibit 2.

SECTION TWO: The City shall take the following additional actions, which shall expire upon the laps of the Governor’s Executive Orders, or subsequent Executive Orders:

A. **USE OF RIGHT-OF-WAY FOR OUTDOOR SEATING.** During the extent of the Gubernatorial Disaster Proclamation, the City shall convert those portions of the right-of-way generally depicted on Exhibit 2, attached hereto and incorporated herein by this reference, for additional outdoor seating areas for bar and restaurant use subject to the terms of an agreement, the form of which is substantially set forth in **Exhibit 3**, attached hereto and incorporated herein by this reference, a permit application, and an appropriate safety plan. The City Manager is also

authorized to identify other areas in the City right-of-way for use by patrons of local restaurants or bars.

B. USE OF PARKING LOTS FOR OUTDOOR SEATING. The City shall provisionally waive off-street parking requirements as set forth in Article XII (Off-Street Loading and Parking), Chapter 110 (Zoning) of the Rochelle Municipal Code to allow bars and restaurants to utilize parking lots for additional outdoor seating areas.

SECTION FOUR: Any policy, resolution, or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its adoption and approval; and

SECTION SIX: The City Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE ADOPTING THE ROCHELLE DINING REOPENING PLAN & SUSPENDING PROVISIONS OF ARTICLE IV, CHAPTER 82 & ARTICLE XII, CHAPTER 110 OF THE MUNICIPAL CODE” which was adopted by the Mayor and City Council of the City of Rochelle on \_\_\_\_\_, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CITY CLERK

**EXHIBIT 1**  
**ROCHELLE DINING REOPENING PLAN**

**EXHIBIT 2**  
**RIGHT-OF-WAY- FOR OUTDOOR SEATING**

**EXHIBIT 3**  
**AGREEMENT FOR OUTDOOR SEATING**

**ASSUMPTION OF RISK, WAIVER, INDEMNIFICATION, AND  
HOLD HARMLESS AGREEMENT**

For and in consideration of being permitted, pursuant to the rules and conditions of the City of Rochelle (the "City"), to gain access to and use property owned by the City to use public ways (all collectively the "Property"):

1. I assume all risk associated with the use of such Property, including but not limited to the risk of property damage and/or personal injury, death, damages or loss which I or any of my employees, agents, customers or members of the public who seek to enter or have entered such Property may sustain as a result of my participation in the use of such Property.
2. I agree to waive and relinquish any and all claims I may have arising out of, connected with, or in any way associated with my use of the Property; and also fully release and discharge the City, its officers, elected officials, agents, employees, and representatives from any and all claims for property damage and or personal injury, death, damages or loss which may occur in connection with my use of the Property.
3. I agree to fully and completely indemnify and hold harmless the City, its officers, elected officials, agents, employees, and representatives against any liability, judgment, loss, cost, claim, damage (including consequential damage) or expense (including attorneys' fees and disbursements, settlement costs, consultant fees, investigation and laboratory fees) to which any of them may become subject insofar as they may arise out of or are based upon my use of the Property,
4. I agree to obtain commercially reasonable insurance acceptable to the City for the use of the Property and agree to name the City as an additional insured pursuant to the terms of the Permit.

I am authorized to sign this Agreement as or on behalf of the permit applicant. I have exercised my own judgement in deciding whether to sign this Agreement. My decision to sign this Agreement was not based on or influenced by any declarations or representations of any officer, elected official, agent, employee, or representative of the City. I read, fully understand and agree to the above stated conditions of my use of the Property associated with or related to the permit.

Restaurant: Address: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_