

ORDINANCE NO. O-2021-42

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. O-2021-13
TO EXTEND THE OCCUPANCY DATE OF A PORTION OF HALE STREET BETWEEN FRONT AND
WESLEY STREETS, TO ALLOW DINING TENTS, ASSOCIATED ACCOUTREMENTS AND TO ALLOW
OUTDOOR LIQUOR SALE DURING THE EXTENDED OCCUPANCY PERIOD**

WHEREAS, the Wheaton downtown business district is a vital economic artery of the City and has suffered, and continues to suffer, negative business impacts as a consequence of the COVID-19 pandemic as well as new variants of the disease, increasing the threats of infection; and

WHEREAS, variants of the COVID virus are creating new and continuing challenges for businesses in the Affected Area; and

WHEREAS, restaurants along Hale Street, between Front Street and Wesley Street, (hereinafter "Affected Area"), like other Wheaton restaurants, have suffered business interruptions as a consequence of the COVID-19 pandemic and stand at risk of future business interruptions based on the threats from the variants; and

WHEREAS, the Affected Area is amenable to temporary street closing for vehicular traffic to allow the extension of the occupancy period for dining tents and associated accoutrements due to its limited length and the ability of other streets in the downtown business area to accommodate traffic movements both north, south, east and west of the Affected Area; and

WHEREAS, a temporary street closure in the Affected Area enhances pedestrian traffic in many areas of the downtown business district and, therefore, benefits downtown business areas during a temporary street closure; and

WHEREAS, due to the Affected Area's dimensions, it will be easier to monitor and control social distancing, masking and other COVID-19 pandemic-related control methodologies as opposed to attempting to do the same throughout the entire Wheaton downtown business district; and

WHEREAS, the Affected Area is best suited in Wheaton's downtown business area to police and fire controls if the street in the Affected Area is temporarily closed; and

WHEREAS, the purpose of the temporary street closure of the Affected Area is to attempt to ameliorate some of the impacts of the COVID-19 pandemic both economically and socially in the downtown business district in the City of Wheaton while further attempting to control the spread of COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the Corporate Authorities of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: That for purposes of this Ordinance, a "Designated Business" is any business located in the Affected Area which provides food and beverage service to the public.

SECTION 2: That the occupancy period for dining tents other accoutrements and alcohol sales set forth in Ordinance number 0-2021-13 is hereby extended until October 31st, 2021 (hereinafter "Extended Occupancy Period").

SECTION 3: That all other terms, conditions, provisions, requirements and authorizations set forth in Ordinance number 0-2021-13 shall remain in full force and effect during the Extended Occupancy Period.

SECTION 4: That the Extended Occupancy Period shall terminate at the earliest of the following:

- A. An Ordinance adopted by the Wheaton City Council repealing this Amending Ordinance; or
- B. At the end of business on October 31st, 2021; or
- C. Suspension or revocation of a temporary street occupancy by the Corporate Authorities of the City based on a violation of this Ordinance.

SECTION 5. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance.

SECTION 6. This Ordinance shall become effective upon its passage, execution and publication as provided by law.



Philip J. Sauer
Mayor

Attest:



Andrea Rosedale

Deputy City Clerk

Roll Call Vote:

Ayes: Councilman Barbier
 Councilwoman Bray-Parker
 Councilman Brown
 Mayor Suess
 Councilwoman Fitch
 Councilwoman Robbins
 Councilman Weller

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August 16, 2021

Published: August 17, 2021

