

RESOLUTION NO. 20_____

**A RESOLUTION APPROVING A WAIVER OF CERTAIN LIQUOR
LICENSE AND CIGARETTE AND TOBACCO DEALER'S LICENSE
RENEWAL FEES FOR 2020-2021**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
NAPERVILLE, COUNTIES OF DUPAGE AND WILL, ILLINOIS**, in exercise of its home
rule authority, as follows:

1. **WHEREAS**, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and
2. **WHEREAS**, on March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak, and
3. **WHEREAS**, on March 9, 2020, the Governor of the State of Illinois declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and
4. **WHEREAS**, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07, suspending on-premise consumption of food and beverages in places of public accommodation and prohibiting gatherings of 50 people or more; and
5. **WHEREAS**, on March 17, 2020, at an emergency Naperville City Council meeting a local state of emergency and disaster related to the COVID-19 outbreak was declared and on April 21, 2020 at a Naperville City Council meeting the local state of emergency and disaster was extended (see, *Mayor of Naperville's Declaration of a Local State of Emergency and Disaster*, *City of Naperville Ordinance 20-028 pertaining to a local state of emergency and disaster*, and *City of Naperville Ordinance 20-040 pertaining to a local state of emergency and disaster*); and
6. **WHEREAS**, on May 5, 2020, the Governor of the State of Illinois established a five-phase plan, Restore Illinois for the reopening of the State;
7. **WHEREAS**, Phase 3 of the Restore Illinois plan permitted the partial reopening of restaurants and bars, with services limited to outdoor dining and drinking only, and parties of 6 persons or fewer;
8. **WHEREAS**, Phase 3 of the Restore Illinois plan permitted the partial reopening of retail stores, with a maximum of 50% of store capacity or 5 customers allowed per 1000 square feet of retail space;

9. **WHEREAS**, Phase 4 of the Restore Illinois Plan, effective as of June 26, 2020, permits indoor dining with groups of 10 or less, with tables spaced 6 feet apart in seated areas and with standing areas at no more than 25% of capacity;
10. **WHEREAS**, the unanticipated diminished business, economic loss and insecurity caused by COVID-19 threatens the viability of certain local liquor licensed and tobacco licensed establishment; and
11. **WHEREAS**, the City of Naperville is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, including taking measures to assist local businesses in response to the COVID-19 outbreak;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority as follows:

SECTION 1: The Recitals above are incorporated as part of the Section 1 as though set forth herein in their entirety

SECTION 2: The City of Naperville waives annual liquor license fees, in 3-3-11:1 of the Naperville Municipal Code, for on-premises consumption liquor licenses (Class A – Restaurant, Class B – Restaurant and Tavern, Class C – Tavern, Class H – Club, Class J – Hotel/Motel and Tavern, Class K – Catering, Class M – Recreational, Class P – Manufacturer, Class R – Legitimate Theater House, and Class T – Heritage Society Cultural) expiring on April 30, 2021. To qualify for a waiver of the annual liquor license fee, the licensee must submit renewal paperwork by August 15, 2020 and have held an existing on-premises consumption liquor license as of April 30, 2020.

SECTION 3: The City of Naperville waives the annual license fee, in 3-3-5:2.2 of the Naperville Municipal Code, for non-essential businesses as defined in State of Illinois Executive Order 2020-10, dated March 20, 2020, for the retail sale of tobacco products and/or alternative nicotine products for licenses expiring on April 30, 2021. To qualify for a waiver of the annual license fee for the retail sale of tobacco and/or alternative nicotine

products, the licensee must submit renewal paperwork by August 15, 2020 with a declaration under the penalty of perjury that the business was required to close between March 20, 2020 and May 1, 2020, and have held an existing tobacco and/or alternative nicotine products license as of April 30, 2020.

SECTION 4: The City of Naperville waives the annual permit fee, in 3-3-11:3 of the Naperville Municipal Code, for Catering and/or Bartending Services, Complimentary Beer/Wine, Dispenser, Entertainment, Growler, and Late Night permits. To qualify for a waiver of the annual permit fee, the permittee must have an existing permit as of April 30, 2020 or complied with Executive Order 2020-10 as to Outdoor Seating as of the date of this Resolution.

SECTION 5: This Resolution shall be in full force and effect upon its passage and approval.

ADOPTED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk