

**SUPPLEMENTAL ORDER CONCERNING
ON-PREMISES FOOD AND DRINK ESTABLISHMENTS
MADE PURSUANT TO DECLARATION OF EMERGENCY
CITY OF HIGHLAND PARK
DECEMBER 29, 2021**

I, Mayor Nancy R. Rotering, do hereby issue the following supplemental emergency order for the City of Highland Park this 29th day of December, 2021 ("**Supplemental Order**").

Introduction

On March 14, 2020, I issued a Declaration of Emergency pursuant to the authority granted to me by: Section 92.105 of "The Highland Park Code of 1968," as amended; Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1- 6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11 to address the health threat posed by the COVID-19 pandemic ("**March 2020 Declaration**"). On January 11, 2021, pursuant to the same authority, I issued a new Declaration of Emergency, replacing the March 2020 Declaration ("**January 2021 Declaration**"). The January 2021 Declaration expired on May 24, 2021; at that time, with coronavirus case counts and deaths receding in the City and State, the Corporate Authorities of the City and I determined that the Declaration of Emergency was no longer necessary to protect the public health, safety, and welfare.

However, despite ongoing efforts to contain COVID-19, in recent weeks and months, the emergence of the Delta and Omicron variants of the coronavirus have led to a resurgence of the pandemic, with case counts in Illinois reaching their highest levels. Accordingly, on December 29, 2021, I issued a new Declaration of Emergency pursuant to the authority granted to me by: Section 92.105 of "The Highland Park Code of 1968," as amended; Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1- 6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11 to address the health threat posed by the COVID-19 pandemic ("**Current Declaration**").

The Current Declaration grants and reserves emergency powers to the Mayor during the pendency of the civil emergency, including the right to issue emergency regulations and orders in furtherance of the Current Declaration.

In light of the rapid increase in COVID-19 cases in the City of Highland Park and the surrounding area, I have determined that it is necessary and in the best interests of the City and its residents to issue a supplemental emergency order as set forth below, requiring patrons of on-premises food and drink establishments to show proof of vaccination against COVID-19. It is my determination that the availability of coronavirus vaccines allows our community to enjoy *both* protection from COVID-19 *and* protection and promotion of our local businesses – but only if residents, visitors, and business owners alike do their part, by getting vaccinated and by requiring vaccination.

In order to prevent the spread of COVID-19 in the City, and to further protect the residents of the City from disease and death, and pursuant to the authority set forth in the Current Declaration, Sections 11-1-6 and 11-20-5 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, 11-20-5; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, I find that it is necessary to issue a supplemental emergency order as set forth below.

Except as expressly provided in this Supplemental Order, nothing in this Supplemental Order modifies or limits the actions and authority previously established by the Current Declaration.

Supplemental Order

I hereby direct and order as follows:

A. Vaccination Requirements for Certain Businesses:

1. All On-Premises Food and Drink Establishments must require any individual five years of age and older to show proof that they are fully vaccinated against COVID-19, with an approved vaccine, in order to enter the establishment.

2. All On-Premises Food and Drink Establishments must further require any patron age 16 and older to show photo identification (including, without limitation, driver's license, passport, other government-issued identification, or work or school identification) with information that corresponds to the proof of vaccination.

3. All On-Premises Food and Drink Establishments must post signage advising patrons of the vaccination requirement imposed pursuant to this Supplemental Order. The signage must be posted at all entrances to the premises and in additional prominent locations visible to patrons and staff within the establishment.

4. On-Premises Food and Drink Establishments may, in the interests of efficiency, allow patrons to provide the required proof of vaccination prior to entry, either directly to the business itself or through an intermediary such as an event planner.

5. All employees of all On-Premises Food and Drink Establishments must either: (a) provide proof to the establishment that they are fully vaccinated against COVID-19, with an approved vaccine; or (b) provide proof to the establishment, not less than once every seven calendar days, of a negative COVID-19 test.

6. All On-Premises Food and Drink Establishments must comply with OSHA standards 1910.501(e) & (g) relating to employee vaccination status and testing, regardless of the number of their employees.

B. Definitions. For purposes of this Supplemental Order, the following terms have the following meanings:

1. *"On-Premises Food and Drink Establishment"* means any location in the City at which food or drink is served indoors for on-premises consumption, including, without limitation: (a) a "restaurant," as that term is defined in Section 150.202 of the "City of Highland Park Zoning Ordinance of 1997," as amended ("**Zoning Code**"); (b) any event space at which food or drink is served, including, without limitation, hotel ballrooms, and commercial event and party venues; (c) bars, breweries, wine / spirit tasting rooms, private clubs, country clubs, banquet halls, dining areas within any public business that is ancillary to the main business (such as cafes within grocery stores or within other retail businesses), and coffee shops; and (d) recreation and entertainment venues in areas in which food or beverages are

served, including movie theaters, live performance spaces (including live theater and live music), sports arenas, skating rinks, adult entertainment venues, arcades, bowling alleys, play spaces, family entertainment centers, billiard halls, and venues for card playing.

2. An individual is considered “Fully Vaccinated” based on the most current guidelines and definition issued by the Centers for Disease Control.

3. An “approved COVID-19 vaccine” means a vaccine that has been authorized or approved by either the United States Food and Drug Administration or the World Health Organization to prevent COVID-19, whether for emergency use or otherwise.

4. “Proof of vaccination” means: (a) a Centers for Disease Control COVID-19 Vaccination Record Card; (b) an official immunization record from the jurisdiction, state, or country in which the vaccine was administered; (c) a mobile app that provides a digital record of vaccinations; or (d) a digital or physical photo of such a card or record that includes the individual’s name, the vaccine brand administered, and the date the vaccination was administered.

5. “Indoors” means any part of business subject to this Supplemental Order with: (a) a roof or overhang that is enclosed on at least three sides; (b) a temporary outdoor structure that holds multiple parties that has less than 50% of the sides open to allow airflow; or (c) an outdoor dining structure meant for individual parties that does not have adequate ventilation to allow for four to six air exchanges per hour.

C. Exemptions – Individuals. The following individuals are exempt from compliance with this Supplemental Order:

1. Individuals entering an establishment for less than 10 minutes for ordering and carrying out food; making a delivery; or using restroom facilities;

2. Individuals who have previously received a medical exemption, but only if the individual provides proof to the establishment, upon entry, of: (a) the medical exemption; and (b) a COVID-19 test administered by a medical professional within the prior 24 hours.

3. A nonresident performing artist or nonresident person accompanying the artist who is not regularly performing in a business to which this Supplemental Order applies, but only while in the business for the duration of the performance.

4. An individual 18 years of age or younger who enters a business subject to this Order to participate in a school activity or after-school program offered by any pre-kindergarten through 12th grade public or non-public school.

5. Any person entering a business subject to this Supplemental Order for the purposes of voting in a municipal, state, or federal election; or, pursuant to law, assisting or accompanying a voter or observing such elections.

D. Exemptions - Business / Indoor Venues. This Supplemental Order does not apply to:

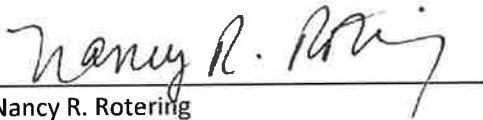
1. Houses of worship;
2. K-12 schools, preschools, and child care centers;
3. Indoor locations in a residential or office building, the use of which is limited to residents, owners, or tenants of that building; and
4. Charitable food service establishments, such as soup kitchens.

All employees, officials, congregants, students, and visitors are strongly encouraged to take appropriate steps to ensure social distancing and to implement other state and federal public health measures, including, without limitation, the CDC's recommendations for Communities of Faith.

This Supplemental Order will take effect on January 7, 2022 at 12:01 a.m., and run concurrently with the term of the Current Declaration unless rescinded or superseded by my order or a majority vote of the corporate authorities at any regular or emergency meeting thereof.

SIGNED AND SEALED with the official seal of the City of Highland Park on this 29th day of December, 2021.

By:



Nancy R. Rotering
Mayor
City of Highland Park



City Seal

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for the County and State aforesaid, **DO HEREBY CERTIFY** that Nancy R. Rotering, the Mayor of the City of Highland Park, personally known to me, appeared before me, under oath, this day in person and acknowledged that in such capacity she signed and delivered the said instrument, as her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 29th day of December, 2021.


NOTARY PUBLIC

