



# Office of the City Clerk

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## Legislation Text

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**File #:** F2020-63, **Version:** 1

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### **ORDER OF THE COMMISSIONER OF HEALTH OF THE CITY OF CHICAGO**

#### **No. 2020-11 - NON-ESSENTIAL BUSINESS CURFEW**

Issued and Effective: October 23, 2020

WHEREAS, In an Executive Order filed on June 26, 2020 ("EO2020-43"), the Governor of Illinois affirmed that a local government body may enact provisions that are stricter than those in the Executive Order; and

WHEREAS, The City of Chicago shall only proceed further into reopening once the Mayor of the City of Chicago and the Commissioner of Health of the City of Chicago ("Commissioner"), guided by public health data, are satisfied that such reopening shall be safe; and

WHEREAS, At times, it may be necessary for the City to reinstate targeted COVID-19 restrictions as a precautionary response to avoid a resurgence in community cases of the virus; and

WHEREAS, The Commissioner is concerned about the rapid increase in cases and hospitalizations over the past two weeks; and

WHEREAS, The Municipal Code of Chicago ("Code") authorizes the Commissioner to implement emergency measures to stop the spread of communicable diseases, and to protect the health, safety, and welfare of the City's residents, including but not limited to authority granted in Sections 2-112-080, 2-112-160(a)(3) and (a)(4) of the Code, in addition to 77 Ill. Adm. Code Sections 690.1305(a) and 690.1310(c); and

WHEREAS, This Order is issued following consultation with, and on the recommendation of, the Commissioner of Business Affairs and Consumer Protection, and the Local Liquor Control Commissioner; now, therefore,

The Commissioner of Health of the City of Chicago hereby orders as follows,

Section 1. Any business that is not an Essential Business, as the term "Essential Businesses" is defined below, must be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. Central Time. Nothing provided in this Section shall be construed to prohibit any business from undertaking work that does not require in-person interaction with the public.

Section 2. No licensee may sell liquor for on-premises consumption indoors during all times this Order is in effect unless it is a licensed retail food establishment. This Section shall not apply to establishments located in airports.

Section 3. Notwithstanding the Commissioner's Order 2020-5, as amended and reissued on October 1, 2020, all liquor sales must cease between 9:00 p.m. and the hour at which the licensee is permitted to resume alcoholic liquor sales under Section 4-60-130 of the Code. Pick-up of any liquor for off-site consumption or delivery must also be completed by 9:00 p.m.

Section 4. To the extent there is inconsistency between this Order and any other order issued by the Commissioner, this Order shall prevail.

Section 5. Definitions and Exclusions.

1. Essential Operations Excluded. For the avoidance of doubt, Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure operations, all as defined in CDPH Order No. 2020-3, Issued and Effective May 29, 2020, are excluded from this Order.
2. Closed to the Public Defined. For purposes of this Order, "Closed to the Public" means that a business may not permit customers to enter the premises except as specified herein. Employees and individuals who provide goods or services to the business are not considered members of the public for purposes of this Order. Restaurants are permitted to permit customers to enter their premises for pick-up and carry-out as specified herein.
3. Essential Businesses Defined. For the purposes of this Order, Essential Businesses are defined as the following:
  - a. Stores that sell groceries and medicine. Grocery stores, pharmacies, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and facilities;
  - b. Food, beverage, and cannabis production and agriculture. Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and

goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

- c. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
- d. Media. Newspapers, television, radio, and other media services;
- e. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
- f. Financial institutions. Banks, currency exchanges, consumer lenders, including but not limited, to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
- g. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, heating material; and other construction materials;
- h. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and facilities;
- i. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, and non-alcoholic

beverages, goods or services to end users or through commercial channels;

- j. Laundry services. Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- k. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out; or restaurants located within airports or

hospitals;

- l. Supplies for Essential Businesses and Operations. Businesses that sell, manufacture, or supply other Essential Businesses, Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- m. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers;
- n. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
- o. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- p. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);
- q. Day care centers for employees exempted by this Order. Day care centers granted an emergency license pursuant to Title 89, Section 407.500 of the Illinois Administrative Code, governing Emergency Day Care Programs for children of employees exempted by this Order to work as permitted;
- r. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses;

- s. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses - provided that these checks should be done by telephone or remotely where possible;
- t. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services; and
- u. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services.

Section 6. This Order shall remain in effect until the Commissioner makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this Order can be safely repealed.

Section 7. If any provision of this 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 Order, which can be given effect without the invalid provision or application. To achieve this purpose,

the provisions of this Order are declared to be severable. This Order is meant to be read consistently with any Court order regarding this Order.

Section 8. In addition to any other penalty provided by law, any person who violates this Order shall be subject to arrest, and to the fines set forth in Section 2-112-340 of the Code.

Dated: October 23, 2020

Allison Arwady, M.D./ Commissioner of Health of the City of Chicago