

Application for:

Outdoor Cafés  
&  
Sidewalk Cafés



October 20, 2010



*City of Park Ridge*  
505 Butler Place  
Park Ridge, IL 60068

Community Preservation and Development Department  
Environmental Health Division  
847-318-5281

## **OUTDOOR CAFÉ and SIDEWALK CAFÉ APPLICATION / RENEWAL**

Date of application \_\_\_\_\_

Restaurant Name: \_\_\_\_\_

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

Telephone Number: \_\_\_\_\_

Owner Name: \_\_\_\_\_

**For Renewal Applications, items 1 – 6 are not required unless your outdoor equipment and layout have changed OR you wish to add a sidewalk café.**

Application Checklist

Date Submitted

- |  |       |
|--|-------|
| 1. Site Plan   | _____ |
| 2. Catalog Cuts/Photograph of fixtures   | _____ |
| 3. Liquor Commissioner Approval (separate approval required)   | _____ |
| 4. Plat of Survey  | _____ |
| 5. Building Owner Approval Letter  | _____ |
| 6. \$20.00 Initial Application Fee   | _____ |
| 7. Sidewalk café certificate of insurance \$2million aggregate   | _____ |
| 8. Sidewalk café indemnification agreement(current year)   | _____ |
| 9. License Fee    \$ \$50.00 + \$ _____ =                      TOTAL    \$ _____   |       |
| <b>Number of Seats on Public Property</b> (\$5.00 for each seat on public property)  |       |
| 10. Pets are prohibited at an outdoor café unless the Health Authority has given approval based upon compliance with the requirements set forth by 5-3.1-5 Section 17. Does this facility wish to request approval from the Health Authority to allow pets in your outdoor café? |       |
| <b>YES</b> <b>NO</b> <b>DOES NOT QUALIFY</b>   |       |

**I hereby acknowledge receipt and understanding of the City of Park Ridge outdoor café requirements and agree to abide by such rules and regulations.**

\_\_\_\_\_  
(Owner signature)

Date \_\_\_\_\_

\_\_\_\_\_  
(Store Manager Name) if different from owner

\_\_\_\_\_  
Approved by

<p><b>Return to:</b>  <b>CP&amp;D Department</b>  <b>Division of Environmental Health</b>  <b>505 Butler Place</b>  <b>Park Ridge, IL 60068</b></p>
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# OUTDOOR SIDEWALK CAFÉ

## Hold Harmless, Assumption of Risk and Indemnification Agreement

Ladies/Gentlemen:

The undersigned, \_\_\_\_\_ (PLEASE PRINT THE NAME OF THE OWNER OR AGENT) in consideration for the issuance of an Outdoor Café License by the City of Park Ridge, Illinois (the “City”)

to \_\_\_\_\_  
(PLEASE PRINT THE NAME OF THE BUSINESS)

at the following address: \_\_\_\_\_,  
(PLEASE PRINT)

Park Ridge, Illinois 60068 (the “Outdoor Café”), and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, agrees to defend, indemnify and hold harmless the City, its employees, officers, agents and insurers (individually an “Indemnatee”) from any and all claims for liabilities or damages (“Claims”) arising from the issuance of the license and the operation of the Outdoor Café. This hold harmless and duty of indemnification shall apply to claims of whatever kind, amount or nature, whether real or imagined and to all expenses, judgments or settlements arising out of such claims, including indirect and consequential damages.

The undersigned recognizes and acknowledges that there are certain risks of personal injury, death, property damage and destruction inherent in the operation of the Outdoor Café, that the Outdoor Café may be located within a part of the right-of-way where outdoor dining is not considered an intended and permitted use and therefore the City may not maintain the right-of-way for that purpose, and I voluntarily agree to assume the full risk of any and all injuries, damages or loss, regardless of severity, that result from the location and operation of the Outdoor Café.

Dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE)

**By:**  
Name: \_\_\_\_\_  
(PLEASE PRINT)

Title: \_\_\_\_\_  
(PLEASE PRINT)

**Article 5 Chapter 3.1**

**Of the Park Ridge Municipal Code**

**5-3.1-1 DEFINITIONS.**

- (A) Outdoor Café: An outdoor food service area operated adjacent to and in conjunction with a Restaurant or Fast Food Restaurant. This definition shall include Sidewalk Cafes and Private Outdoor Cafes located on private property.
- (B) Private Outdoor Café: An Outdoor Café on private property.
- (C) Public Area: A public sidewalk and/or public right of way.
- (D) Sidewalk Café: An Outdoor Cafe on the public sidewalk and/or public right of way.

**5-3.1-2 OUTDOOR CAFÉ LICENSE.**

No person or entity shall operate an Outdoor Café without a valid Outdoor Café license. This license shall be in addition to any other license required by this Chapter, including a Health Permit as issued by the Health Authority.

**5-3.1-3 ELIGIBILITY; APPLICATION FOR LICENSE.**

An Outdoor Cafe license shall be granted only to the operator of a restaurant or fast-food restaurant which is in conformance with the Zoning Ordinance and which holds a valid Health Permit for a food service establishment or retail food store, as provided in Sections 5-3-4 and 5-4-4. An application for an Outdoor Cafe license shall be on a form as provided by the Director of Community Preservation and Development and shall require at least the following:

- (A) The name and mailing address of the applicant.
- (B) A detailed drawing to scale of the proposed site indicating the following: the existing façade, the points of ingress and egress, the proposed location of the tables, chairs, serving equipment, planters, borders, awnings, umbrellas and other facilities to be included in the seating area. If the proposed café is to be a Sidewalk Café, the drawings must also include the location of existing public improvements, including fire hydrants, street signs, street lights, traffic signals, bus shelters, mail boxes, trees and tree grates, parking meters, planting boxes or planting areas, fire escapes or other overhead obstructions and any other public obstruction.
- (C) A copy of a valid Health Permit.
- (D) The annual license fee.

**5-3.1-4 COMPLIANCE WITH CHAPTER 3, FOOD SERVICE ESTABLISHMENTS.**

An Outdoor Café must comply with the regulations of Chapter 3, Food Service Establishments, Chapter 4, Retail Food Store and all other State and City health regulations.

### **5-3.1-5 REQUIREMENTS FOR ALL OUTDOOR CAFES.**

#### **A. General Standards**

1. All tables, chairs and other equipment shall be constructed and set up in such a manner as to be easily removed during winter months or any other time required by the City.
2. The sale and consumption of alcoholic beverages in the Outdoor Café shall be restricted by the liquor license governing the restaurant.
3. The Outdoor Cafe shall not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.
4. An Outdoor Café may only be open between the hours of 7:00 a.m. and 11:00 p.m. on any day.
5. The proprietor shall be required to provide additional outdoor trash receptacles for the Outdoor Café as required by the City's Health Authority. All trash receptacles shall be kept clean and covered.
6. An Outdoor Café permit shall be subject to an annual review.
7. An Outdoor Cafe must be located on an impervious surface.
8. Outdoor Café seating will be included when figuring the restaurant's maximum occupancy to determine compliance with the State Plumbing Code public toilet facility requirements.
9. No food may be stored, cooked or otherwise prepared in the Outdoor Café area.
10. No soiled food service equipment, utensils or tableware may be kept in the Outdoor Café area.
11. All clean food service equipment, utensils or tableware must be covered at all times.
12. The Outdoor Café shall be accessible to the disabled, and the Licensee shall at all times comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of service.
13. The Outdoor Café shall not obstruct any fire exit, fire escape or other required means of ingress and egress.
14. In no event shall the operation of the Outdoor Cafe interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than five (5) feet, clear of all obstructions, measured from edge of the sidewalk closest to

the curb, lamppost or parking meter. In addition, no seating or other equipment shall be closer than five feet (5') to any tree, trellis, tree wall or government sign.

15. In no event shall the operation of, or placement of equipment or furnishings for, the Outdoor Café obstruct access to any taxi stand, bus stop, crosswalk, mailbox, curb cut, parking space or any other public property. The furnishings or equipment shall not obstruct access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether the placement of equipment or furnishings obstruct access to any of the foregoing shall be the sole determination of the City Manager or his designee.

16. Outdoor furnishing materials and finishes shall be durable, smooth and easily cleanable and shall be kept in sound condition and good repair.

17. Pets may be allowed in an Outdoor Café area only with approval from the Health Authority. Health Authority approval will be based upon compliance with each of the following criteria:

- a. The owner of the food establishment would request approval.
- b. The Outdoor Café must be open and available for use by the public including customers and non-customers.
- c. The Outdoor Café must be on or immediately adjoining a public area.
- d. The Café may not be enclosed by a border.
- e. There may be no wait staff service in the Outdoor Café.

B. Design Standards

1. Canopies that are attached to the building will be permitted for a Private Outdoor Café only when in conformance with the regulations set forth in the Municipal Code, the Zoning Ordinance and the Appearance Commission rules and procedures. No additional canopy for a Sidewalk Cafe shall be permitted.
2. All outdoor furnishings shall be designed to withstand a wind pressure of not less than thirty (30) pounds per square foot so that the furnishings will not be moved by the wind.
3. Trash receptacles shall be constructed of an impervious material and be of sturdy construction equipped with a tight fitting cover.

C. Submittal Requirements.

The following shall be submitted at the time of application:

1. A completed application form with a letter from the building owner granting permission for the Outdoor Café.
2. A twenty-dollar (\$20.00) application fee.
3. A Site plan, drawn to accurate scale illustrating the location of the proposed Outdoor Café.

4. Catalog cuts and/or photographs of all furniture and other equipment to be located within the Outdoor Café.
5. A Plat of Survey of the property, which shall include the right-of-way between the building and the curb.

#### **5-3.1-6 ADDITIONAL REQUIREMENTS FOR SIDEWALK CAFES.**

In addition to the requirements set forth above, issuance and continued enjoyment of an Outdoor Cafe license for a Sidewalk Cafe, shall be conditioned on the following:

(A) A Sidewalk Café may be located only along that portion of the perimeter of the restaurant building that is co-terminus with the interior of the restaurant and shall be subject to the approval of the Director of Public Works.

(B) A Sidewalk Café may only be open between the hours of 7:00 a.m. and 11:00 p.m. on any day.

(C) The licensee shall provide the City, in a form acceptable to the City Attorney, the following:

1. An agreement to indemnify, defend and hold harmless the City for any and all claims for liability or damages arising from the operation of the Sidewalk Cafe; and
2. A certificate of general liability insurance and workers compensation insurance. The amount of required general liability coverage shall be not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The City shall be named as an additional insured on the face of the certificate and the insurer shall have no less than a B++ rating by the most recent AM Best Insurance Rating Guide.

(D) The Licensee shall be responsible for the maintenance and upkeep of the Public Area used for the Sidewalk Cafe and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be attached by any means to the Public Area or any other public property. Maintenance shall include daily cleaning of the area by an employee of the Licensee.

(E) The Licensee shall submit a plan showing the manner in which the furnishings and equipment will be stored during the hours that the Sidewalk Cafe portion of the restaurant is closed. The plan shall be subject to the City's approval. All furnishings and equipment left outside shall be moved as close to the building wall as may be practical during the hours when not in use.

(F) The Licensee shall submit a detailed drawing showing the placement of every item of furniture or equipment to be used as a part of the Sidewalk Cafe. The proposed locations shall be subject to the review and approval of the City.

(G) Any seating area where alcoholic beverages are sold or consumed shall be enclosed by a border and shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the Sidewalk Cafe, except to the interior of the restaurant.

**5-3.1-7 TERM OF LICENSE; RENEWAL; REVOCATION; TERMINATION.**

(A) Term. Each Outdoor Cafe license shall be valid for a term of one year. A renewal application shall provide the same information as an original application, but copies of the previous year's site plan may be used if there are no changes from the prior submission.

(B) Suspension. Outdoor Cafe licenses may be suspended or revoked by the Health Authority as provided in Section 5-3-7 and 5-3-8 of this Code.

(C) License Not Property. An Outdoor Cafe license shall not constitute personal property. The City shall retain at all times, the right to terminate any Outdoor Café license, or may completely eliminate this class of license, upon thirty (30) days written notice to the license holder(s). Should the City terminate any license other than for reason of a violation of City regulations, the City shall refund to the Licensee the pro-rated portion of the annual fee paid by the Licensee. If an Outdoor Café subsequently becomes subject to any Zoning Ordinance regulations, those regulations shall apply to each Outdoor Café irrespective of the date of its establishment. No Outdoor Café shall be deemed, either now or hereafter, to be a legal nonconforming use.

**5-3.1-8 ANNUAL LICENSE FEE.**

The annual fee for an Outdoor Cafe license shall be \$50.00 plus \$5.00 for each seat available for use on public property.

**ALCOHOLIC LIQUORS**

Article 12 Chapter 6 Section 10 of the Municipal Code of the City of Park Ridge reads as follows:

A Class J supplement shall authorize the sale of alcoholic beverages at a Sidewalk Café. Additional qualifications are:

The Sidewalk Café supplement shall permit the sale of alcoholic beverages only until 11:00 p.m. on any night.

The Sidewalk Café supplement shall be issued only to the holder of a current Restaurant License and only if a Sidewalk Café business license has been approved by the City.

The Park Ridge Municipal Code reads:

**CLASS J:** A Class J supplement shall authorize the sale of alcoholic beverages at a Sidewalk Café or Rooftop Deck.  
Additional Qualifications:

1. The Sidewalk Café/Rooftop Deck supplement shall permit the sale of alcoholic beverages only until 11:00 p.m. on any night. All outdoor cafes are required to close at 11:00 p.m.

2. The Sidewalk Café/Rooftop Deck supplement shall permit the sale of alcoholic beverages.

3. The Sidewalk Café/Rooftop Deck supplement shall be issued only to the holder of a current Restaurant License and only if a Sidewalk Café/Rooftop Deck business license has been approved by the City.

4. A license for a Rooftop Deck may be issued only for an establishment located in the following zoning districts: Uptown-Core and Uptown-Commercial Sub-Districts of the B-4 Uptown Business District.

*(Ord. 2004-26, 4/5/2004, S23), (Ord. 2008-19, 4/7/2008), (Ord. 2010-47, 5/03/2010)*