



# CITY OF CHICAGO

# SIDEWALK CAFE PROGRAM

## APPLICATION PACKAGE

FOR THE **2009** SEASON



## SIDEWALK CAFE PROGRAM APPLICATION CHECKLIST

### Application

- Ensure all pages of the enclosed application are accurately completed.
  - Alderman's signature
  - signed Acceptance of Permit Terms
- Please carefully read the Municipal Code of Chicago's 10-28-800 through 10-28-885 (Article XII. Sidewalk Cafes) and the promulgated Rules and Regulations for further information.

### Photograph(s)

- Photograph(s) shall be clear and depict the proposed site of the Sidewalk Cafe and its relationship to the surrounding public way.

### Plan(s)

- Plan(s) that do not meet the requirements will be returned to the applicant for corrections, thus delaying the processing of your application.
- Plan(s) shall be submitted on 8 ½" X 11" paper.
- Plan(s) shall include and clearly illustrate:
  - (1) the business name and address as they appear on your retail food establishment license.
  - (2) the exact length(s) and width(s) of the proposed Sidewalk Cafe, and they must match the dimensions on the application.
  - (3) compliance with the **Landscaping** requirements.
    - At least 50% of the boundary must be covered with live plants.
    - No portion of the plants shall extend over the permitted Sidewalk Cafe area (they shall be included within the limits of the permitted area).
  - (4) compliance with the **Boundary** requirements.
    - The boundary shall fully enclose the permitted area from the remainder of the public way, with the exception of the entrance.
    - Bolting the boundary to the sidewalk is not permitted.
  - (5) existing public way structures/encumbrances including, but not limited to, sidewalk curb, fire hydrants, light poles, traffic control signs, light poles, trees, and alleys.
  - (6) a minimum of 6-foot clear space for pedestrian passage from the furthest edge of the Sidewalk Cafe boundary/landscaping to any permanent structure/encumbrance on the Public way.
    - No portion of your Sidewalk Cafe can include neighboring business, residences, or empty lots.
  - (7) the proposed seating capacity for the Sidewalk Café.
    - The number of chairs depicted in the Plan shall match the proposed seating capacity on the application.
  - (8) the Sidewalk Cafe entrance location.
  - (9) the access to adjacent and neighboring building entrance(s).
- Sample plans have been attached for your review.
- Upon successful ordinance introduction at City Council, you will receive a copy of the **approved** plan with your Sidewalk Cafe permit after all the requirements have been met. The permit and the **approved** plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the Sidewalk Cafe during all hours of operation.

**HAVE A NICE SEASON!**



**SIDEWALK CAFE PROGRAM  
APPLICATION**

**APPLICANT INFORMATION**

Legal Entity Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Business Address: \_\_\_\_\_  
 Chicago, Illinois 60\_\_\_\_\_

Contact Person: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Business Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_  
 E-mail address: \_\_\_\_\_

**BUSINESS LICENSE INFORMATION**

DREV/Account Number: \_\_\_\_\_ Site Number: \_\_\_\_\_  
 Current Retail Food License Number: \_\_\_\_\_

**Note:** Please review the above section to ensure the accuracy of your contact information. Any omissions/inaccuracies will delay in the processing of your application.

All Sidewalk Cafe applicants are required to obtain their Alderman’s signature, submit photograph(s) of the proposed cafe location, and a plan of the proposed Cafe with its associated dimensions, clearance measurements, boundaries and landscaping, street location, seating capacity, and its relationship to the surrounding public way.

Failure to submit all the requirements will delay processing your application. No faxes will be accepted. Please return this application and all the associated documents by mail or in person to:

City of Chicago  
 Department of Business Affairs and Licensing  
 Division of Compliance and Investigations – Public Way Use Unit  
 Customer Service Center  
 333 South State Street, LL30  
 Chicago, Illinois 60604  
 Phone (312) 74-GOBIZ (312-744-6249)

**ALDERMAN’S APPROVAL:**

As part of this application process, you are required to notify/obtain approval from the Alderman within whose ward your proposed use of the public way is located.

**ALDERMAN’S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WARD:** \_\_\_\_\_



**SIDEWALK CAFE PROGRAM  
APPLICATION**

**APPLICATION WORKSHEET**

Please enclose a plan of the proposed Sidewalk Cafe and its relationship to the surrounding public way even if it has been submitted during prior years. Please show the associated dimensions, clearance measurements, boundaries and landscaping, street location, seating capacity and its relationship to the surrounding public way.

In addition, please verify the proposed Sidewalk Cafe’s street location and dimensions, seating capacity, and hours of operation below. Also include photograph(s) of proposed Sidewalk Cafe’s location.

**(1) Proposed Sidewalk Cafe Location and Dimension Information:**

Note: The street name(s) and proposed length(s) and width(s) must match the proposed plan.

Street Name	Length	Width

**(2) Proposed Sidewalk Café’s Seating Capacity: \_\_\_\_\_**

Note: The proposed seating capacity must match the proposed plan.

**(3) Days and Hours of Operation:**

Note: Sidewalk Cafe’s cannot operate earlier than 8:00 am nor later than midnight.

Day	Proposed Hours of Operation
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	



**SIDEWALK CAFE PROGRAM  
APPLICATION**

**ACCEPTANCE OF SIDEWALK CAFE PERMIT TERMS:**

**I hereby understand and accept the terms and conditions relative to the issuance of the Sidewalk Cafe permit, and by signing below, I acknowledge the receipt of a copy of the Municipal Code of Chicago’s 10-28-800 through 10-28-885 (Article XII. Sidewalk Cafes), the Rules and Regulations, as well as all the additional requirements promulgated herein:**

I understand it shall be my duty as the permit holder, and as a condition of the permit, to:

- (1) comply with all the requirements defined within Chicago’s Municipal Code, the Rules and Regulations, as well as the requirements promulgated herein;
- (2) install or maintain the Sidewalk Cafe **after** the issuance of the permit by the Director of Business Affairs and Licensing;
- (3) upon the introduction of the permit ordinance at City Council, pay the **non-refundable** applicable Sidewalk Cafe annual permit fee (minimum \$600.00, varies with size and location);
- (4) upon the introduction of the permit ordinance at City Council, furnish the certificate of insurance; and,
- (5) resolve all Account Holds since failure to do so will prevent the processing of this permit application;

**I understand that failure to adhere to all conditions imposed in the permit may result in revocation of the permit.**

By: _____	_____
Signature	Printed Last, First (Middle Initial)
_____	_____
Date	Title

DREV/Account Number: \_\_\_\_\_ Site Number: \_\_\_\_\_

Legal Entity Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Chicago, Illinois 60\_\_\_\_\_

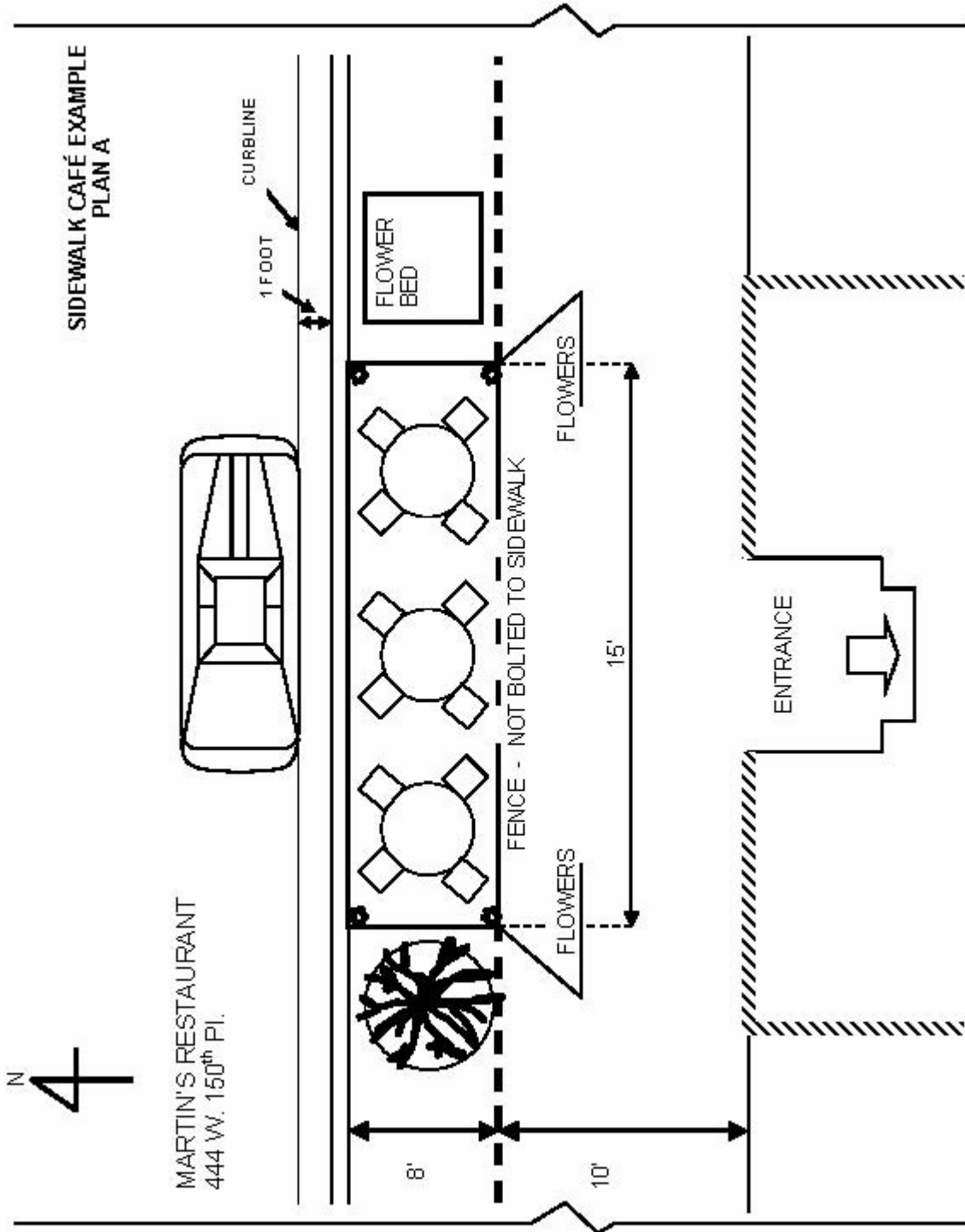
Business Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Public Way Use Permit Type:     Sidewalk Cafe



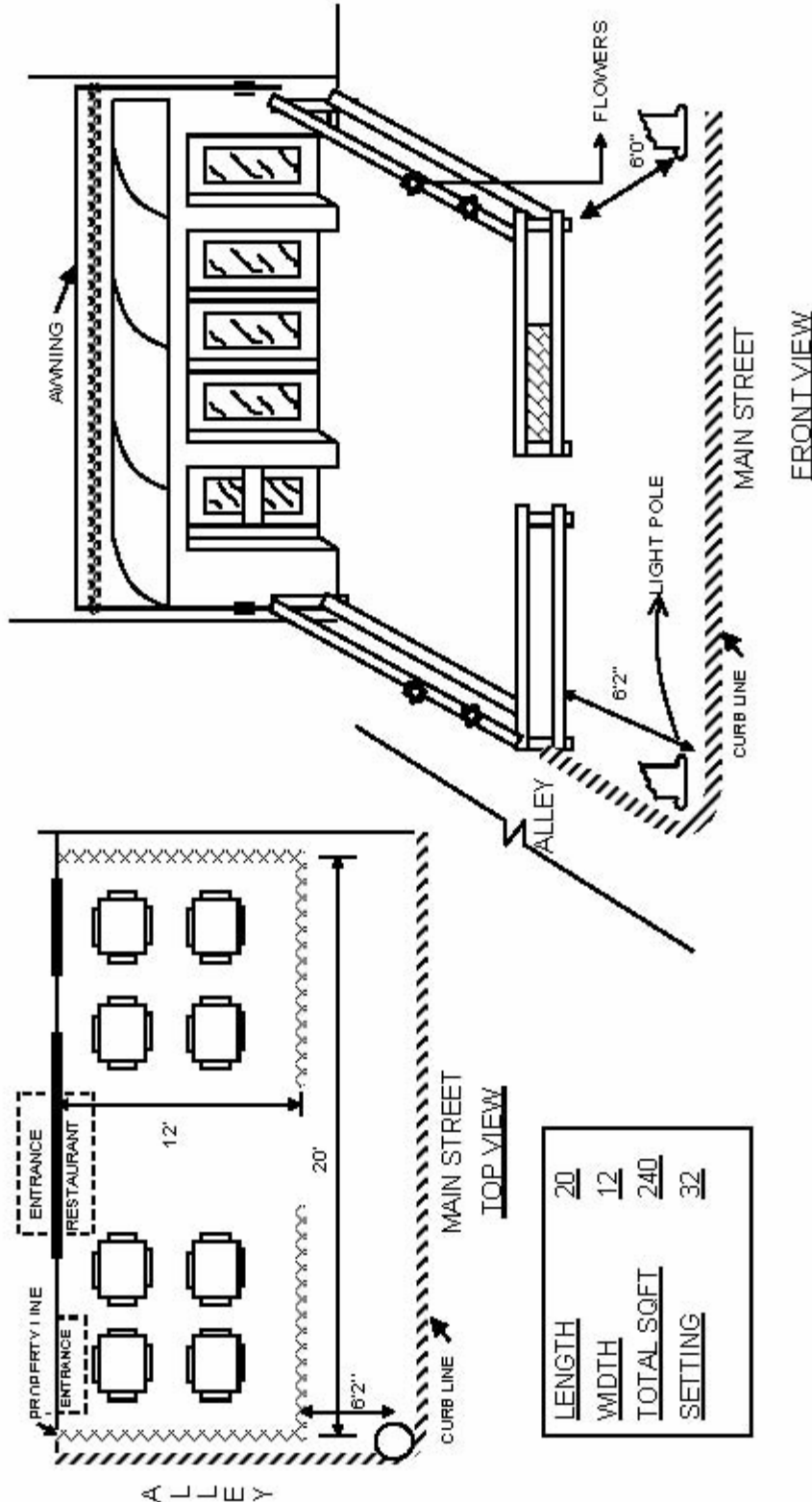
**SIDEWALK CAFÉ PROGRAM  
 SAMPLE PLAN**





**SIDEWALK CAFÉ PROGRAM  
 SAMPLE PLAN**

**SIDEWALK CAFÉ EXAMPLE  
 PLAN B**



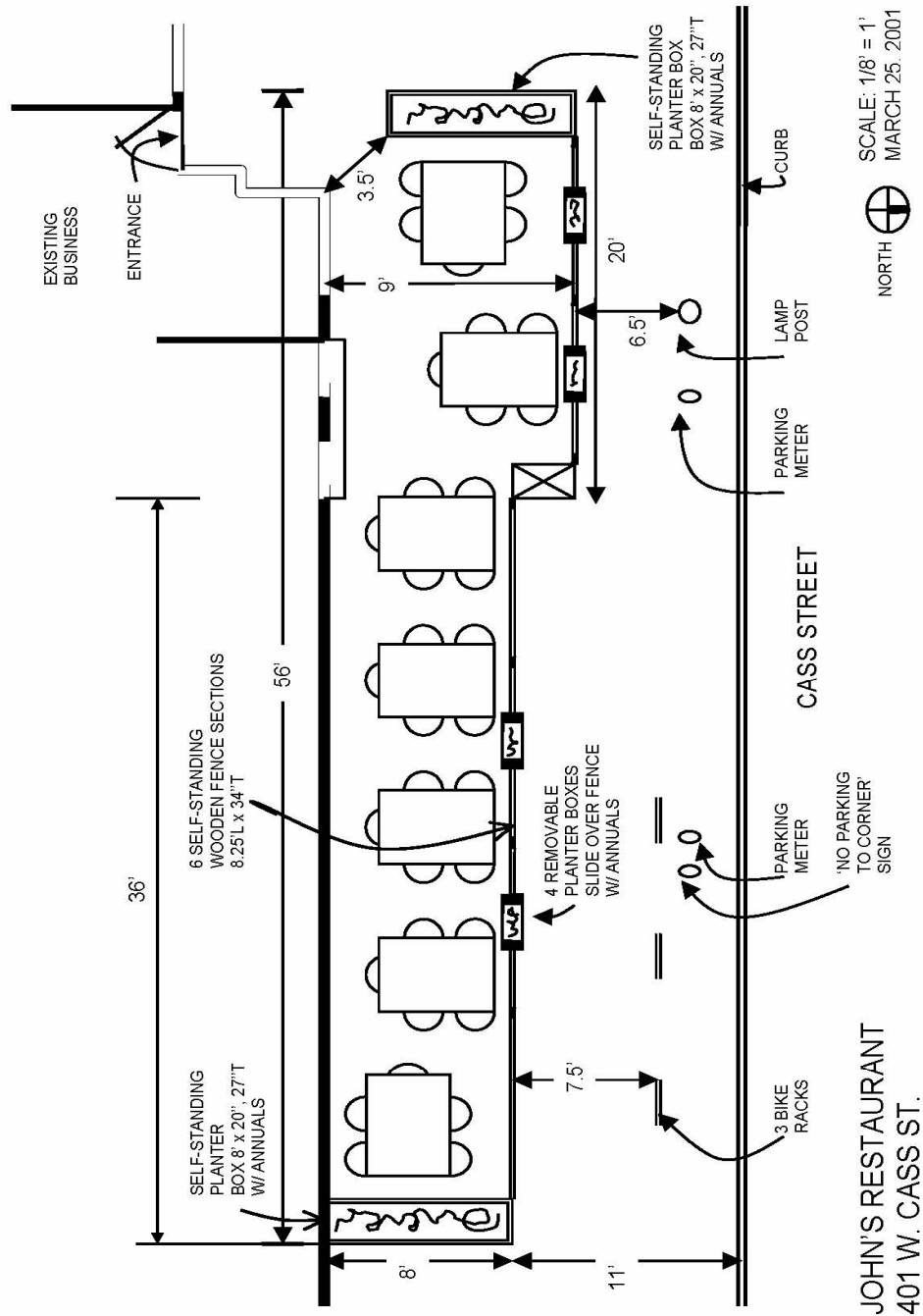
not to scale

<u>LENGTH</u>	<u>20</u>
<u>WIDTH</u>	<u>12</u>
<u>TOTAL SQFT</u>	<u>240</u>
<u>SEATING</u>	<u>32</u>



**SIDEWALK CAFÉ PROGRAM  
 SAMPLE PLAN**

**SIDEWALK CAFÉ EXAMPLE  
 PLAN C**



**JOHN'S RESTAURANT  
 401 W. CASS ST.**





## **PUBLIC WAY USE IMPORTANT NOTICE**

### **Do You Need a Public Way Use Permit (*Grant of Privilege*)?**

Any time public property is used by anyone, a Public Way Use (Grant of Privilege) permit is required. This applies to space used *above*, *below* or *on* the public way by private entities.

### **Common Types of Public Way Uses**

**Canopies, light fixtures, awnings, signs, planters, bollards, bay windows, balconies, vaults, tunnels, bridges,** and other structures/items that encroach the public way require a permit; the term for these types of permits are 5 years, and a new application must be made prior to their expiration date.

**Sidewalk Cafes** that are placed on the sidewalk require a Sidewalk Cafe permit. This permit has a 1 year term; the Sidewalk Cafe season begins March 1 and extends to December 1 of each year. These permits must be reapplied for every year.

### **Enforcement of Public Way Use Violations**

All required permits are debts due to the City and must be in compliance. In addition, fines may be imposed and the City may remove any items using the Public Way.

### **How to Apply for a Public Way Use Permit**

Applications may be obtained from the internet at [www.cityofchicago.org](http://www.cityofchicago.org) (Department of Business Affairs and Licensing), your Alderman's office, at 333 S. State Street LL30, or by calling 312-74-GOBIZ.



**CITY OF CHICAGO MUNICIPAL CODE**  
**ARTICLE XII. SIDEWALK CAFES**

**10-28-800 Definitions.**

Wherever used in this article, unless the context clearly indicates otherwise:

- (A) *Alcoholic beverages* means and includes alcohol, spirits, wine and beer.
- (B) *Department* means the department of business affairs and licensing of the City of Chicago.
- (C) *Director* means the director of the department of business affairs and licensing of the City of Chicago.
- (D) *Food* means any raw, cooked or processed edible substance or ingredient, used or intended for use in whole or in part for human consumption, and shall include nonalcoholic beverages allowed to be sold in accordance with this article, but shall not include alcoholic beverages.
- (E) *Person* is defined as provided in Section 1-4-090(e) of the code.
- (F) *Sidewalk cafe* means a portion of an immobile retail food establishment located on a public right-of-way, whether directly adjacent to, or in close proximity to, the retail food establishment.

(Amend Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 7-27-05, p. 53211, § 1)

**10-28-805 Permit required for sidewalk cafe.**

A permit, which shall be known as a sidewalk cafe permit, shall be required to operate a sidewalk cafe. A sidewalk cafe permit shall be valid from March 1st to and including December 1st of the year of its issuance. The fee for a sidewalk cafe permit shall be determined by the director, taking into account land values, and shall be set forth by regulation.

(Amend Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-05, p. 44133, § 1)

**10-28-810 Permit application and approval procedure.**

Application for a sidewalk cafe permit shall be submitted to the director, who shall make available forms for this purpose. The applicant shall provide such information on the application as the director may require by regulation, including:

- (A) Proof that the applicant holds a valid retail food establishment license issued to the establishment that will provide food for the sidewalk cafe.
- (B) A proof of insurance as required by this article.
- (C) A plan for the sidewalk cafe, complying with applicable regulations, and demonstrating that the sidewalk cafe shall not unreasonably interfere with: (1) adequate pedestrian flow, (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-815 Insurance required.**

Each applicant for a sidewalk cafe permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days prior written notice to be given to the City of Chicago if coverage is substantially changed, canceled or non-renewed.

The City of Chicago shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operations of a sidewalk cafe; and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance.



In addition, if alcoholic beverages will be served at the sidewalk cafe, the applicant shall provide proof of liquor liability (dramshop) insurance for the sidewalk cafe, of such type and in such amounts as required by the code.

Each permittee shall maintain the insurance coverage required under this section during the period. The certificate(s) of insurance shall be presented to the director prior to the issuance of a permit under this article. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the sidewalk cafe permit.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-820 Review of application.**

The department shall review a submitted application for compliance with this article and regulations.

(A) If the director finds that the applicant meets the requirements of this article and the regulations promulgated hereunder, the director shall provide the application to the alderman of the affected ward, together with a recommendation for introduction of an ordinance approving the application. Such approval shall not be unreasonably withheld. Upon passage and publication of an ordinance approving the application, the director shall issue the sidewalk cafe permit to the applicant.

(B) If the director finds that the applicant fails to meet the requirements of this article or the regulations promulgated hereunder, or if approval by ordinance is withheld, the director shall deny the application. The director shall notify the unsuccessful applicant in writing of the denial and the reasons therefor within ten business days after the denial.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-825 Compliance with plan and other components of application.**

(A) Each sidewalk cafe shall comply in all respects with the specifications set out in the plan submitted to the director, and with the other components of the application.

(B) In the event that the application, including the plan, becomes inaccurate or incomplete in any respect as a result of circumstances or events outside the control of the permittee, the permittee shall notify the director within three business days of such circumstances or events.

(C) Before taking any action that would result in the application, including the plan, becoming inaccurate or incomplete in any respect, the permittee shall seek the prior approval of the director.

(D) Upon being notified of an actual or contemplated change pursuant to either subsection (B) or (C) of this section, the director shall review the change to determine if such change is insubstantial or substantial, using the same criteria as relevant to the director's consideration of an initial application. If such change is insubstantial and if the application, as so changed, meets the criteria for an initial application, the director shall approve the change. If such change is insubstantial and if the application, as so changed, does not meet the criteria for an initial application, the director shall disapprove the change. If such change is substantial, a new permit application shall be required.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-830 Permit--Assignment or transfer prohibited.**

No permittee shall assign or transfer a sidewalk cafe permit.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-835 Permit for one retail food establishment only.**

A sidewalk cafe shall be for the exclusive use of the licensed retail food establishment stated on the application. Sharing or other joint use of a sidewalk cafe location by more than one retail food establishment shall not be permitted.

(Amend Coun. J. 3-15-00, p. 27687, § 4)



**10-28-840 Permit for food and alcoholic beverage service only.**

A sidewalk cafe permit shall only authorize food and alcoholic beverage service at the sidewalk cafe. Regardless of what other activity may take place inside the establishment pursuant to license or permit, such activity shall not be allowed at the sidewalk cafe by virtue of the sidewalk cafe permit.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-845 Operational conditions.**

- (A) Sidewalk cafes permitted under this article shall not operate earlier than 8:00 a.m. nor later than 12:00 midnight.
- (B) Sidewalk cafes permitted under this article shall not play music, whether live or recorded, nor allow music to be played at the sidewalk cafe, other than through headphones.
- (C) The operator of a sidewalk cafe shall install and maintain a physical boundary separating the permitted outdoor seating from the remainder of the public way. The operator shall leave six feet of public way unobstructed for pedestrian passage; the director may alter this requirement by regulation in a situation where adherence to the requirement would make operation of a sidewalk cafe impossible and reduction of the unobstructed portion of the public way would not compromise pedestrian safety. The construction, configuration and other characteristics of the boundary, including landscaping, shall be set forth by regulation.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-850 Alcoholic beverage service--Requirements.**

If alcoholic beverages are served at the sidewalk cafe, the operator must be validly licensed under the code for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at sidewalk cafes.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-855 Compliance with code and rules and regulations required.**

All holders of a sidewalk cafe permit and their employees shall be subject to and comply with all applicable requirements and standards for retail food establishments contained in the code, as amended, and the rules and regulations promulgated thereunder, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-860 Promulgation of regulations; force and effect.**

- (A) The director is authorized to promulgate regulations to carry out the purposes of this article, including without limitation regulations governing:
  - (1) The location, arrangement and design of sidewalk cafes to ensure the flow of pedestrian traffic, the safety of pedestrians and auto traffic, the access to buildings and transportation facilities, the prevention of an excessive number of cafes, and the best service to the public;
  - (2) The size, design and other specifications for tables and serving equipment to be used by operators, and the design of enclosures or partial enclosures;
  - (3) The types of food and beverages that may be served at sidewalk cafes;
  - (4) The time periods during which application can be made for a sidewalk cafe permit;
  - (5) Landscaping and other aesthetic components of the sidewalk cafe; and
  - (6) Any other matter pertaining to this article.



(B) A permittee shall comply with the regulations promulgated pursuant to this article, which shall have the force and effect of law.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-865 Hearings.**

The director may hold formal and informal hearings prior to the promulgation of rules and regulations as the director deems necessary. All such hearings shall be open to the public.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-870 Enforcement.**

(A) The director or his designee is authorized to take such action as necessary to enforce the provisions of this article, including conducting on-site inspections of sidewalk cafes associated retail food establishments to determine compliance with the permitting and other requirements of this article and regulations promulgated hereunder.

(B) Upon request by the director or his designee, the operator of a sidewalk cafe shall provide for inspection the documents required by this article to operate a sidewalk cafe, including the sidewalk cafe. permit, the plan for the sidewalk cafe, and proof of insurance.

(C) Any sidewalk cafe for which a permit is required by this article, and which has failed to obtain such permit, may be closed by the director or his designee until such permit is procured. Upon being notified of closure, all sidewalk cafe activity must cease, and all obstructions in the public way, including boundaries, tables and chairs, must be removed.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-875 Violation--Penalties.**

(A) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than \$200.00 nor more than \$500.00 for each offense, and each day such a violation continues shall be deemed a separate and distinct offense.

(B) In addition to the above fine, and any person who knowingly interferes with or impedes the director of revenue or revenue investigator in the enforcement of this article shall be subject to arrest by a duly authorized peace officer of the department and imprisonment for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure,

(C) Any sidewalk cafe in operation without a valid sidewalk cafe permit is subject to removal from the public way by the director or his designee. The provisions of Section 10-28-020 of the code shall apply to the removal of any portion of a sidewalk cafe, from the public way, whether for unpermitted operation or for obstruction of public way; provided, however, that the amount of the fine for a violation shall be as set forth in this section.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-880 Violation--Permit revocation.**

In addition to fines and other penalties as provided for herein, three or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the sidewalk cafe permit by the director.

(Amend Coun. J. 3-15-00, p. 27687, § 4)

**10-28-885 Severability.**

The invalidity of any section or part of any section of this article, or any regulation promulgated hereunder, shall not affect the validity of any other section or part thereof or regulation.

(Amend Coun. J. 3-15-00, p. 27687, § 4)



## DEPARTMENT OF BUSINESS AFFAIRS & LICENSING

### RULES AND REGULATIONS for SIDEWALK CAFES

As promulgated by the Director of Business Affairs & Licensing pursuant to the provisions of Chapter 10-28 and Section 10-28-870 of the Municipal Code of the City of Chicago

#### I) Application

Applications received incomplete or containing inconsistent information shall result in delayed processing of your application.

##### a) Public Way Use Unit:

All applications and required documents shall be forwarded to:  
City of Chicago  
Department of Business Affairs and Licensing (PWU)  
Customer Service Center  
333 South State Street, LL30  
Chicago, Illinois 60604

##### b) Alderman's Approval

Application shall have prior approval of the Alderman of the Ward within which the Sidewalk Cafe will be located.

##### c) Plan

Plan shall be submitted on 8-1/2" X 11" paper. Plan need not be to-scale, but shall show exact length and width dimensions of entire Sidewalk Cafe relative to the associated business, building, curb line, and existing encumbrances on the public way. Public way encumbrances include, but are not limited to, parking meters, fire hydrants, bike racks, light poles, and trees. Plan shall demonstrate compliance with all landscaping and design requirements and additional written narrative may accompany Plan. Also, include the business name and address as indicated on your business license.

##### d) Photographs

Pictures shall be clear. They shall depict the proposed site where the Cafe is to be located and the relationship of the proposed Sidewalk Cafe to the surrounding public way.

#### II) Permit

A Sidewalk Cafe Permit is valid from the date of issuance up to and including December 1<sup>st</sup>.

##### a) Account Holds

All holds on your business account shall be resolved prior to the issuance of your Sidewalk Cafe Permit.

##### b) Pending Passage

The issuance of a Sidewalk Cafe Permit is a privilege granted by the City Council. As a courtesy to Sidewalk Cafe operators, the Director of Business Affairs and Licensing may issue the Sidewalk Cafe Permit upon introduction and *pending passage* of the ordinance by City Council. However, the Director shall rescind said Permit if the respective Sidewalk Cafe ordinance is not passed by City Council. Permits shall be issued after the receipt of the applicable permit fee and insurance certificate.

##### c) Insurance



After ordinance introduction, applicant shall furnish the insurance certificate. Certificates of insurance shall be renewed at least 30 days prior to the expiration of the policy.

d) **Annual Fee**

Fees for Sidewalk Cafe Permits shall be paid upon ordinance introduction and are non-refundable. Permits are revocable by the Director of Business Affairs and Licensing at any time.

III) **Operation**

a) **Permit/Plan Display and Capacity Requirement**

The Sidewalk Cafe Permit and approved Plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the Sidewalk Cafe during all hours of operation. The boundaries of the Sidewalk Cafe, including the physical boundary separating the permitted outdoor seating from the remainder of the public way, shall reflect the approved plan and shall not be modified or altered unless approved by the Director. The arrangement and number of tables and chairs within the authorized boundaries of the Sidewalk Cafe shall reflect the approved plan and shall not be substantially changed, altered, added to or reduced without the approval by the director. Tables and chairs shall always be set up and maintained in a manner ready for access and use by patrons. In addition, the capacity of the Sidewalk Cafe shall not exceed the approved seating capacity number on the Sidewalk Cafe Permit. At no time may the Sidewalk Cafe be used in excess of the approved seating capacity to allow for standing room patrons.

b) **Responsibilities of Sidewalk Cafe Permittee**

A Sidewalk Cafe permittee is responsible to the community surrounding the Sidewalk Cafe premises. It is the affirmative duty of a Sidewalk Cafe permittee to report promptly to the police department all illegal activity reported to or observed by the permittee on or adjacent to the permitted Sidewalk Cafe premises; to answer fully and truthfully all questions of an identified police officer who inquires or investigates concerning persons or events on or adjacent to the permitted Sidewalk Cafe premises; to cooperate with the police in any such inquiry or investigation, including the giving of oral or written statements to the police at reasonable times and locations in the course of investigations; and to sign a complaint against any person whom the licensee observes in any illegal conduct or activity on or adjacent to the permitted Sidewalk Cafe premises. For purposes of this rule, “Adjacent” means: (1) any public way located immediately next to a Sidewalk Cafe premises; or (2) any private property that is located immediately next to a Sidewalk Cafe premises, if such private property is owned, leased or rented by the permittee or permittee’s property owner; or (3) any private property separated from a Sidewalk Cafe by a public way and located immediately next to such public way, if such property is owned, leased or rented by the permittee or the permittee’s property owner.

c) **Alcoholic Beverage Service Responsibility**

A Sidewalk Cafe permittee has an affirmative duty to prohibit any patron from leaving the Sidewalk Cafe premises with any alcoholic liquor, except in a package properly sealed, bagged and receipted pursuant to Section 6-33 of the Liquor Control Act of 1934, added by P.A. 94-1047, effective January 1, 2007, and codified at 235 I.L.C.S. 5/6-33, as amended.

Also, BYOB (Bring Your Own Bottle of liquor) is never allowed in a Sidewalk Cafe.

d) **Landscaping**

In order to remain consistent with the city of Chicago’s objective of developing attractive tree-lined streets and boulevards and greener neighborhoods, in addition to enhanced property values and in as much that applicants desiring to use public way for semi-private use as Sidewalk Cafes are enhancing the private interests of their enterprise as well that of the city, the following landscape and design standards shall apply to establishments seeking permission to erect a Sidewalk Cafe throughout the city of Chicago.



The railing, fencing or other such method to enclose a space for the use of a Cafe in the public way shall have to no less than 50% of its railing, top of fence, etc., covered with planter boxes. These planter boxes shall be no less than 6 inches deep and no less than 8 inches wide and shall be securely fastened to the Cafe fence or railing. In addition, for every 100 additional square feet of area beyond a 300 square foot Cafe, the applicant shall provide one 24 inch shrub in a suitable planter which allows the shrub 100% visibility above the rail, fence etc. Figure may be rounded up or down the nearest 100 for calculation purposes. For example, a Cafe with 630 square foot area would provide three shrubs and Cafe with 660 square feet would provide four shrubs. A small tree may substitute for 24" shrub.

Due to unique nature of planter boxes as temporary landscape features, the planter boxes shall be entirely covered with living plant material at the time of installation. The outward or public facing side of all planters shall have cascading or trailing vine-like plants. All planter boxes and plant material within shall be maintained throughout the entire time the Cafe or planters are present on the public way. Dead, dying, or unhealthy material shall be replaced with healthy material. Planter boxes shall not extend over the permitted seating area.

Any exceptions to the Landscaping Requirements must be approved by the Director of Business Affairs and Licensing.

e) **Boundary and Clearance**

Boundary shall fully enclose the permitted area from the remainder of the public way. The Sidewalk Cafe entrance is the only part of the perimeter that need not have a boundary, and said entrance shall remain unobstructed. Boundary shall be maintained in accordance with the approved plan, and shall be no less than 24 inches or more than 36 inches in height. Boundary shall be durable so that it shall not collapse or fall over due to wind or incidental contact with patrons or pedestrians. The boundary shall be maintained in place during operating hours. No boundary may be stabilized by bolting to the Sidewalk.

Boundary shall be designed to leave at least 6 feet of clear and unobstructed Sidewalk space to allow for pedestrian passage. Clearance between Sidewalk Cafe and all public way encumbrances shall also be at least 6 feet. Sidewalk Cafes located along the curb shall allow a minimum clearance of one (1) foot from the Sidewalk Cafe to the edge of the curb.

The Sidewalk Cafe's boundary and furniture may be placed on the public way once the Permit is issued, and shall be removed on the expiration date noted on the Permit. Any Sidewalk Cafe in operation or continuing to keep the boundaries and/or furniture on the public way shall be subject to removal and citation.

Sidewalk Cafes Permits shall only be issued to the address stated on the respective applicant's retail food license. No portion of the Sidewalk Cafe may expand to include neighboring businesses, residences, or empty lots.

Any exceptions to the Boundary and Clearance Requirements must be approved by the Director of Business Affairs and Licensing.

f) **Parkways**

Sidewalk Cafes cannot be located on parkways with existing grass surfaces.

g) **Debris**

All areas surrounding the Sidewalk Cafe shall be policed by your staff to ensure the removal of all wrappings, litter, debris and food. Daily sanitary cleaning is required. Sidewalks shall be washed down on a daily basis, and food from the Cafe shall not be disposed of in city containers.

h) **Operating Hours**

Sidewalk Cafes shall not operate earlier than 8:00 am and no later than 12:00 am, unless otherwise specified on





your Permit. No activity is allowed within the limits of the Sidewalk Cafe outside of its approved operating hours as noted on the respective permit.

i) **Smoking**

Pursuant to the “Chicago Indoor Air Ordinance of 2008,” smoking is only allowed within the limits of a Sidewalk Cafe as long as it occurs fifteen (15) feet **beyond** any entrance(s), exit(s), window(s) that open, and ventilation intake(s) of a public place or place of employment.

No smoking is allowed within the limits of a Sidewalk Cafe outside of the Sidewalk Cafe’s approved operating hours as noted on the respective permit.

j) **Employees**

Sidewalk Cafe employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.

k) **Patrons**

Patrons shall wear shoes and shirts at all times.

l) **Pets**

Pets are not permitted within a Sidewalk Cafe, other than a service dog assisting a handicapped person. However, dogs are permitted within a Sidewalk Cafe if the business holds a Retail Food Establishment-Supplemental License for Dog-Friendly Areas.

m) **Deck**

No portion of the Sidewalk Cafe can be elevated in the style of a deck.

n) **Scaffolding and Construction Canopies**

Sidewalk Cafes cannot operate under scaffolding or construction canopies.

o) **Food Service**

A Sidewalk Cafe Permit may only be granted to an establishment with a valid retail food license where the primary business activity in the Sidewalk Cafe is the service of prepared food and non-alcoholic beverages. As such, prepared food and non-alcoholic beverages must be offered for sale and for immediate consumption at all times the Sidewalk Cafe is operational.

In the event a business applies for a Sidewalk Cafe Permit, holds a tavern license for their primary business activity, and also holds a retail food license, the service of prepared food and non-alcoholic beverages must be available at all times to any customer during the time the Sidewalk Cafe is open and occupied. For the purposes of this section, the service of snacks such as pre-packaged foods (potato chips, pretzels, etc.) shall not be considered “prepared.”

IV) **Compliance**

a) **Penalties**

Any Sidewalk Cafe permittee who violates these Rules and Regulations or any part thereof adopted by the department under authority vested in it by Section 10-28-860 of the Municipal Code of the City of Chicago will be subject to the enforcement and penalties as prescribed in Sections 4-60, 4-4-280, 10-28-855, 10-28-860, 10-28-870, 10-28-875 and 10-28-880 of the Municipal Code of the City of Chicago and to the penalties as prescribed in the Illinois Liquor Control Act of 1934.

b) **Enforcement**



Complaints regarding Sidewalk Cafes will be investigated by the Department of Business Affairs and Licensing and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the Sidewalk Cafe Permit.