



SIDEWALK CAFÉ APPLICATION **INFORMATION PACKAGE** **2012 SEASON**



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INTRODUCTION

This is the City of Chicago Sidewalk Café Application Information Package for the 2012 sidewalk café season which begins on March 1st, and ends on December 1st. Sidewalk Café Permits have a 9 month term, and must be applied for, and issued, every year.



Businesses with a valid Retail Food Establishment License may apply for a Sidewalk Cafe Permit to serve food outside their restaurant on city sidewalks. Applicants intending to serve liquor at a Sidewalk Cafe must have a valid Liquor License pursuant to Chapter 4-60 of the Municipal Code of the City of Chicago.

Completed applications may be submitted via mail, or in person, to our Business Assistance Center in City Hall, Room 800, 121 North LaSalle Street, Chicago, Illinois, 60602. For more detailed information related to our Sidewalk Cafe Program, other Public Way Use Permits, or any of the aforementioned required business licenses, please call 312-74-GOBIZ (744-6249) or go to our website at www.cityofchicago.org/bacp. Any questions regarding accessibility compliance, please call the Mayor's Office for People with Disabilities at 312-744-4441 or go to their website at www.cityofchicago.org/mopd.

The entire Sidewalk Cafe Permit application process may take 30 – 45 days. The Sidewalk Cafe Permit annual, non-refundable, fee varies depending on the size and location of the Sidewalk Café, however, the minimum Sidewalk Cafe Permit fee is \$600.00. After your application is approved and introduced to City Council, your fee will be calculated. So please **do NOT include any payment** with your application submission.

Have a nice season!



APPLICATION CHECKLIST

☐ Application

- Please ensure that all pages of the enclosed application are accurately completed. Specifically:
 - Page 6, Sidewalk Café Application, must contain the signature of the Alderman whose ward your proposed use of the public way is located. See page 9 for an Aldermanic Ward Offices List.
 - Page 7, Application Worksheet, must have all four sections filled-in.
 - Page 8, Acceptance of Sidewalk Café Permit terms, must be signed.
- For additional information, please read the Municipal Code of Chicago's 10-28-800 through 10-28-885 (Article XII. Sidewalk Café) and the promulgated Rules and Regulations in the "Sidewalk Café Application Information Package" located at our website: www.cityofchicago.org/bacp, and then click on the "Public Way Use" link.

☐ Business License Certificate(s)

- Please provide copies of your City of Chicago business license certificate(s). If you do not have a valid business license, please apply for the appropriate license(s) either online at our website, or in person at City Hall. Our contact information is listed at the bottom of this page.

☐ Photograph(s)

- Please provide photograph(s) which are clear and depict the proposed site of the Sidewalk Café and its relationship to the surrounding public way.

☐ Plan(s)

- Plan(s) shall be submitted on 8 ½" X 11" paper(s), 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 Café, 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 Café 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.
 - Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades. CBC § 18-11-1104.6.
 - Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less. CBC § 18-11-1104.6.
 - Bolting the boundary to the sidewalk is not permitted.
 - Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but not be limited to, parking meters, fire hydrants, newspaper stands and boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services.
 5. Compliance with the Clearance requirements.
 - Sidewalk café fences or barricades must be positioned so that at least 6 feet separates the outer edge of the barrier from City property such as street signs, planters, newspaper dispensers, fire hydrants, bus shelters or other obstacles or where no obstacles are present, the edge of the sidewalk (not including the curb) unless otherwise approved by the Department of Business Affairs and Consumer Protection.



- No portion of your Sidewalk Café can include neighboring business, residences, or empty lots.
- A minimum clearance of one (1) foot from the Sidewalk Café to the edge of the curb.
- 6. 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.
 - Where tables are provided at sidewalk cafes, seating for people with disabilities must be provided as well.
 - At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be dispersed throughout the café seating area. CBC § 18-11-1108.2.8.
 - Under no circumstances should seating in sidewalk cafés consist only of “high” or “bar stool” height tables and chairs. Where high tables and chairs are used, accessible tables outfitted with chairs of corresponding height must be provided as well.
- 7. The Sidewalk Café entrance location.
 - It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated). ANSI § 403.5.
- 8. The access to adjacent and neighboring building entrance(s).
 - Sample plans may be found in the “Sidewalk Café Application Information Package” located at our website: www.cityofchicago.org/bacp, and then click on the “Public Way Use” link.
 - Upon successful ordinance introduction at City Council, you will receive a copy of the approved plan with your Sidewalk Café 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 establishment during all hours of operation.
 - Plan(s) that do not meet the requirements will be returned to the applicant for corrections, thus delaying the processing of your application.

☐ Insurance Requirements

- Please include your proof of insurance with this application. The requirements are below:
 1. The Certificate of Insurance is evidencing no less than \$1,000,000.00, combined single limit, with said insurance covering all liability, both public liability and property damage, which may result from the granting of said privilege. Please ensure that the insurance liability is no less than \$1,000,000.00.
 2. The Certificate of Insurance “Description” section must clearly indicate the following:
 - “City of Chicago, its agents and employees are listed as additional insured in regards to the sidewalk café.”
 - Your specific public way use must be listed or it will not be accepted.
 - Having the City of Chicago only in the “Certificate Holder” section of the Certificate of Insurance does not mean that the City is listed as additional insured. Therefore, please ensure that the statement above is listed on your Certificate of Insurance “Description” section.
 3. The issuing insurer shall provide for 10 days prior written notice to the City of Chicago if coverage is substantially changed, cancelled or not renewed.
 4. The Certificate of Insurance “Certificate Holder” section must include the following:
 - CITY OF CHICAGO
 - PUBLIC WAY USE UNIT
 - 121 N. LASALLE ST., RM. 800
 - CHICAGO, IL 60602
 5. A sample “Certificate of Liability Insurance” may be found in the “Sidewalk Café Application Information Package” located at our website: www.cityofchicago.org/bacp, and then click on the “Public Way Use” link.



SIDEWALK CAFÉ APPLICATION – 2012 SEASON

APPLICANT INFORMATION

LEGAL NAME OF ENTITY:

BUSINESS NAME (DBA):

PERMIT MAILING ADDRESS:

CITY:

STATE:

ZIP CODE:

CONTACT PERSON:

TITLE:

PHONE:

MOBILE:

E-MAIL:

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

All Sidewalk Café applicants are required to obtain the signature of the Alderman in whose ward the proposed use of the public way is located. Additionally, the applicant will need to forward the signed and completed Sidewalk Café Application, including plans, photos, certificate of insurance, acceptance letter, and copy of current license certificate.

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 Consumer Protection
Business Assistance Center - Public Way Use Unit, City Hall, Room 800
121 North LaSalle Street, Chicago, Illinois 60602

ALDERMAN'S APPROVAL

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

ALDERMAN'S SIGNATURE:

DATE:

WARD:



APPLICATION WORKSHEET

Please enclose a plan of the proposed Sidewalk Café 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, accessibility to patrons with disabilities and its relationship to the surrounding public way. Also include photograph(s) of proposed Sidewalk Café's location.

In addition, please fill in below the proposed Sidewalk Café's (1) business license information, (2) street location, dimensions, (3) seating capacity, and (4) days and hours of operation.

1. Business License Information:

ACCOUNT #:

CURRENT RETAIL FOOD LICENSE #:

BUSINESS LOCATION ADDRESS:

2. Proposed Sidewalk Café Location and Dimension Information:

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

STREET NAME (i.e. S. State St.)	LENGTH	WIDTH

3. Proposed Sidewalk Café's Seating Capacity:

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

CAPACITY:

4. Days and Hours of Operation:

Note: Sidewalk Café's cannot operate earlier than 8:00 AM nor later than midnight.

DAY OF THE WEEK	PROPOSED HOURS OF OPERATION
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	



ACCEPTANCE OF SIDEWALK CAFÉ PERMIT TERMS

I hereby understand and accept the terms and conditions relative to the issuance of the Sidewalk Café permit, and by signing below, I acknowledge that I must adhere to the City of Chicago's Municipal Code 10-28-800 through 10-28-885 (Article XII. Sidewalk Cafés), 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. upon submission of the Sidewalk café Application, furnish the Certificate of Insurance;
3. upon the introduction of the permit ordinance at City Council, pay the **non-refundable** applicable Sidewalk Café annual permit fee (minimum \$600.00, varies with size and location);
4. resolve all Account Holds since failure to do so will prevent the issuance of this permit application;
5. install or maintain the Sidewalk Café **after** the issuance of the permit by the Commissioner of Business Affairs and Consumer Protection;
6. install and/or maintain the Sidewalk Café in a manner that complies with all applicable accessibility requirements under local, state or Federal law, including but not limited to those set forth in the Sidewalk Café Application and the "Accessible Outdoor Dining: A Guide to Sidewalk Café Accessibility Requirements in the City of Chicago."

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

SIGNATURE:

PRINT NAME:

ACCOUNT #:

LEGAL NAME OF ENTITY:

BUSINESS NAME (DBA):

BUSINESS LOCATION ADDRESS:

CITY: **Chicago**

STATE: **Illinois**

ZIP CODE:

BUSINESS PHONE:

E-MAIL:

PERMIT TYPE: **Sidewalk Café**



ALDERMANIC WARD OFFICES LIST

Name	Ward	Ward Phone	Ward Office	Zip
Arena, John	45	(773) 286-4545	4754 N. Milwaukee Ave.	60630
Austin, Carrie M.	34	(773) 928-6961	507 W. 111th St.	60628
Balcer, James	11	(773) 254-6677	3659 S. Halsted St.	60609
Beale, Anthony	9	(773) 785-1100	34 East 112th Place	60628
Brookins, Jr., Howard	21	(773) 881-9300	9612 S. Halsted St.	60628
Burke, Edward M.	14	(773) 471-1414	2650 W. 51st Street	60632
Burnett, Jr., Walter	27	(312) 432-1995	1463 W. Chicago Ave.	60622
Burns, William D.	4	(773) 536-8103	435 E. 35th St., 1st Floor	60616
Cappleman, James	46	(773) 878-4646	4544 N. Broadway Ave.	60640
Cardenas, George A.	12	(773) 523-8250	2458 W. 38th St.	60632
Chandler, Michael D.	24	(773) 533-2400	1158 S. Keeler St.	60624
Cochran, Willie	20	(773) 955-5610	6357 S. Cottage Grove	60637
Colón, Rey	35	(773) 365-3535	2710 N. Sawyer Ave.	60647
Cullerton, Timothy M.	38	(773) 545-3838	5817 W. Irving Park Rd.	60634
Dowell, Pat	3	(773) 373-9273	5046 S. State St.	60609
Ervin, Jason C.	28	(773) 533-0900	259 N. Pulaski Rd.	60624
Fioretti, Bob	2	(312) 263-9273	1319 S. State St., Suite A	60605
Foulkes, Toni	15	(773) 863-0220	3045 W. 63rd St.	60629
Graham, Deborah L.	29	(773) 261-4646	5755 West Division Street	60651
Hairston, Leslie A.	5	(773) 324-5555	2325 E. 71st Street	60649
Harris, Michelle A.	8	(773) 874-3300	8539 S. Cottage Grove	60619
Jackson, Sandi	7	(773) 375-9180	7123 S Yates	60649
Lane, Lona	18	(773) 471-1991	8146 S. Kedzie	60652
Laurino, Margaret	39	(773) 736-5594	4404 W. Lawrence Ave.	60630
Maldonado, Roberto	26	(773) 395-0143	2434 W. Division St.	60622
Mell, Richard F.	33	(773) 478-8040	3649 N. Kedzie Ave.	60618
Mitts, Emma	37	(773) 745-2894	5344 W. North Ave.	60639
Joseph A. Moore	49	(773) 338-5796	7356 N. Greenview Ave.	60626
Moreno, Proco Joe	1	(773) 278-0101	2058 N. Western Ave.	60647
Munoz, Ricardo	22	(773) 762-1771	2500 S. St Louis	60623
Patrick J. O'Connor	40	(773) 769-1140	5850 N. Lincoln Ave.	60659
Mary O'Connor	41	(773) 594-8341	6107 N. Northwest Highway	60631
O'Shea, Matthew J.	19	(773) 238-8766	10400 S. Western Ave.	60643
Osterman, Harry	48	(773) 784-5277	5533 N. Broadway Ave.	60640
Pawar, Ameya	47	(773) 868-4747	4243 N. Lincoln Ave.	60618
Pope, John	10	(773) 721-1999	3522 E. 106th St.	60617
Quinn, Marty	13	(773) 581-8000	6500 S. Pulaski Rd.	60629
Reboyas, Ariel	30	(773) 794-3095	3348 N. Milwaukee Ave.	60641
Reilly, Brendan	42	(312) 642-4242	325 W. Huron, Suite 510	60654
Sawyer, Roderick T.	6	(773) 635-0006	463 & 1/2 E. 83rd St.	60619
Silverstein, Debra L.	50	(773) 262-1050	2949 W. Devon Ave., Suite A	60659
Smith, Michele	43	(773) 348-9500	735 W. Wrightwood Ave.	60614
Solis, Daniel	25	(773) 523-4100	2439 S. Oakley St.	60608
Sposato, Nicholas	36	(773) 836-0036	6934 W. Diversey	60707
Suarez, Regner Ray	31	(773) 486-6488	4502 W. Fullerton Ave.	60639
Thomas, Latasha R.	17	(773) 723-0908	7811 S. Racine Ave.	60620
Thompson, Joann	16	(773) 434-3399	5335 S. Western Blvd.	60609
Tunney, Thomas	44	(773) 525-6034	1057 W. Belmont Ave.	60657
Waguespack, Scott	32	(773) 248-1330	2657 N. Clybourn	60614
Zalewski, Michael R.	23	(773) 582-4444	6247 S. Archer Ave.	60638

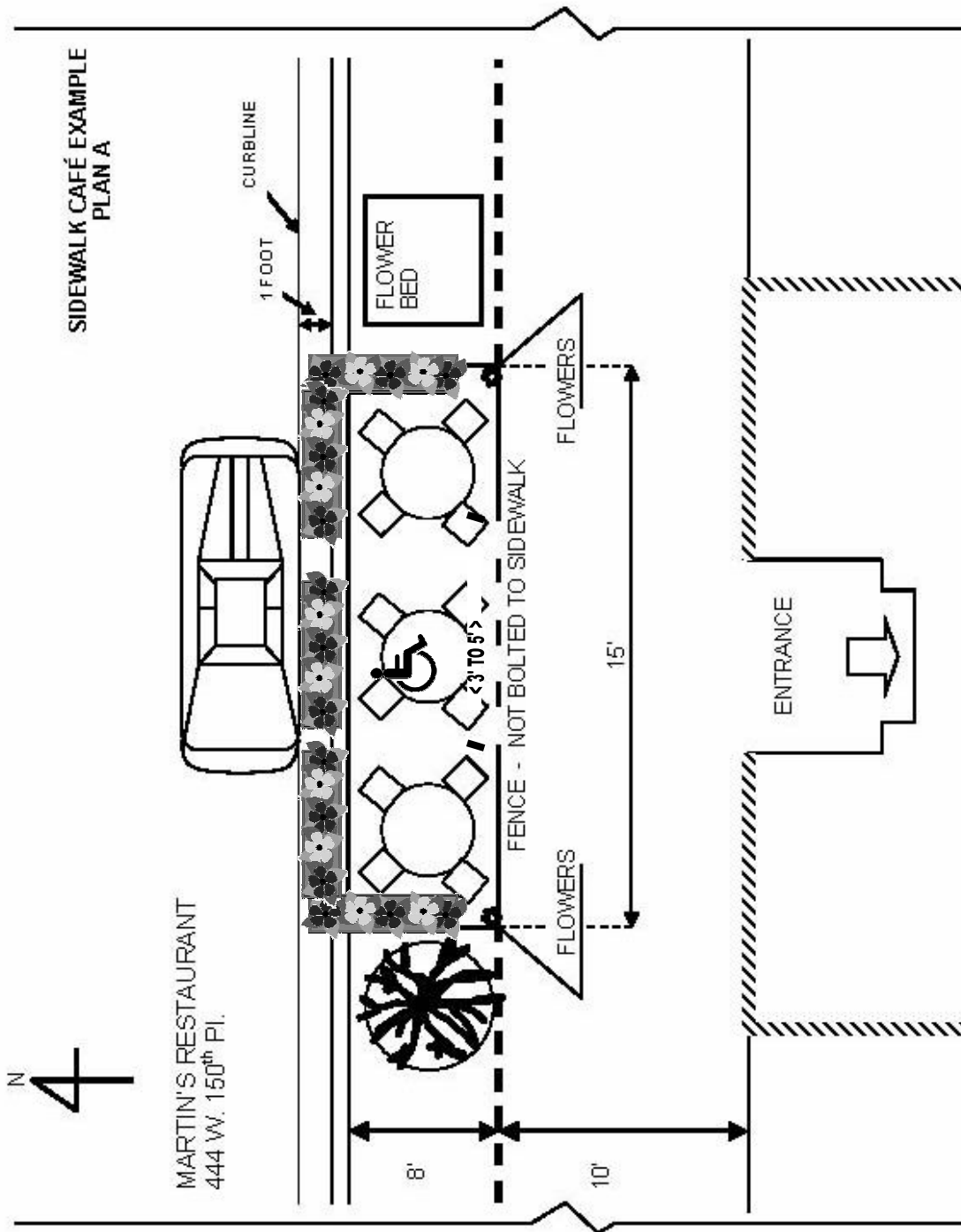
For up-to-date aldermanic information, please go to the City Clerk's website at: <http://chicago.legistar.com/People.aspx>

SAMPLE – PUBLIC WAY USE Insurance Certificate

CHICAGO
BACP
BUSINESS AFFAIRS & CONSUMER PROTECTION



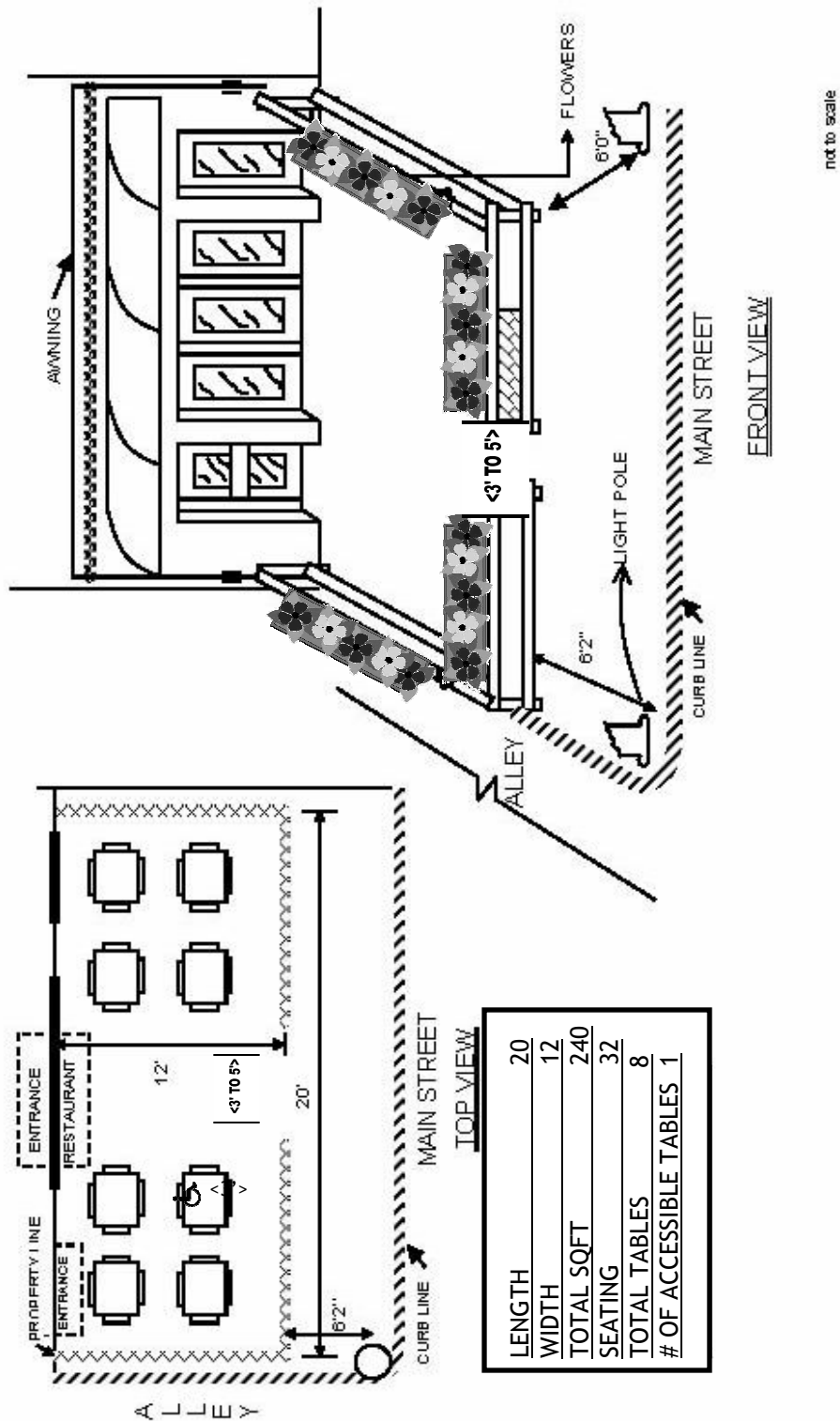
SAMPLE SIDEWALK CAFÉ SITE PLAN - A





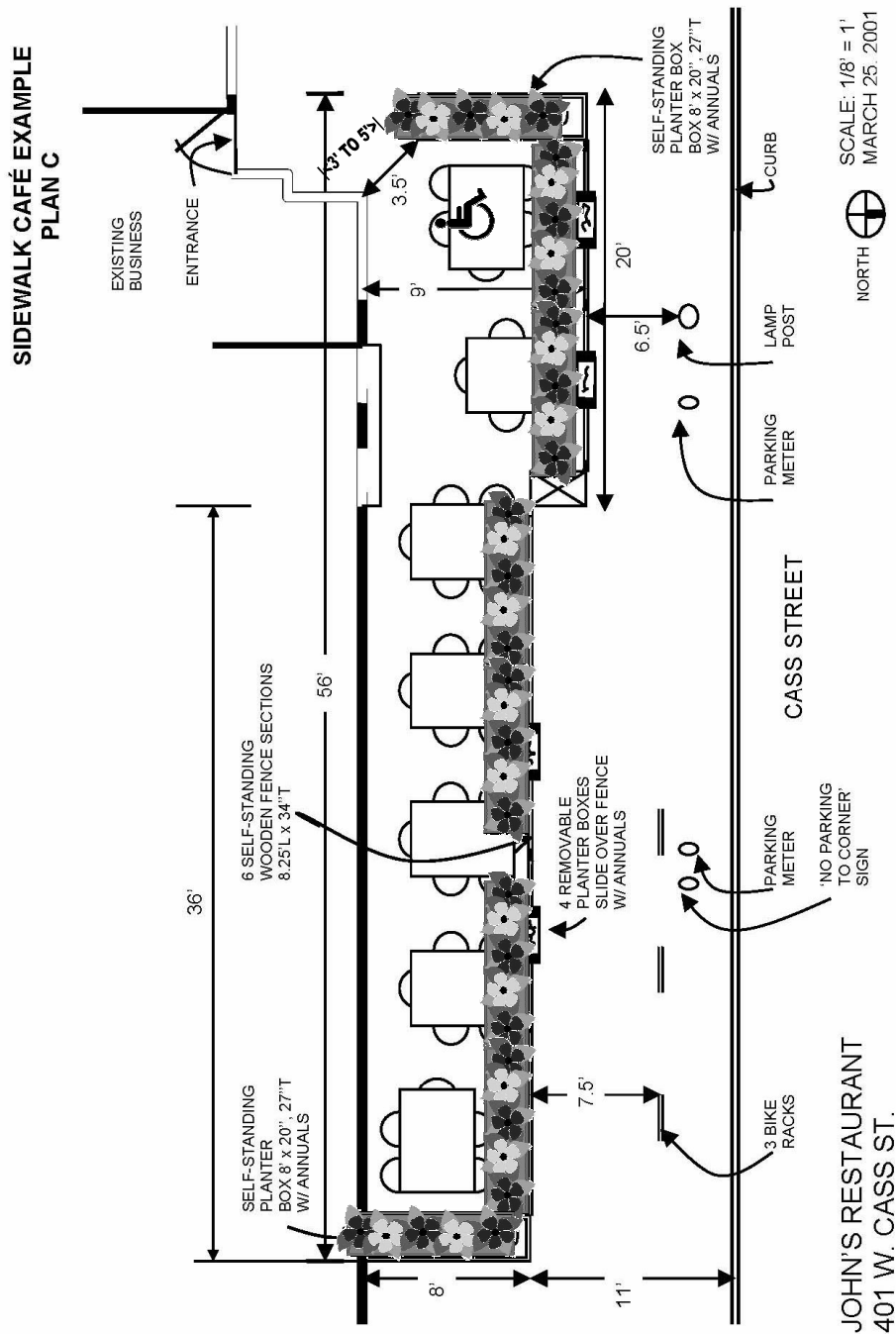
SAMPLE SIDEWALK CAFÉ SITE PLAN - B

SIDEWALK CAFÉ EXAMPLE
PLAN B





SAMPLE SIDEWALK CAFÉ SITE PLAN - C





CITY OF CHICAGO MUNICIPAL CODE

ARTICLE XII. SIDEWALK CAFÉS

10-28-800 Definitions.

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

(A) *Alcoholic beverages* mean and include alcohol, spirits, wine and beer.

(B) *Department* means the Department of Business Affairs and Consumer Protection of the City of Chicago.

(C) *Commissioner* means the Commissioner of the Department of Business Affairs and Consumer Protection 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 Café* 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.

10-28-805 Permit required for Sidewalk Café.

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

10-28-810 Permit application and approval procedure.

Application for a Sidewalk Café permit shall be submitted to the Commissioner, who shall make available forms for this purpose. The applicant shall provide such information on the application as the Commissioner 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 Café.

(B) A proof of insurance as required by this article.

(C) A plan for the Sidewalk Café, complying with applicable regulations, and demonstrating that the sidewalk café 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.

10-28-815 Insurance required.

Each applicant for a Sidewalk Café 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 Café; 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 Café, the applicant shall provide proof of liquor liability (dram shop) insurance for the Sidewalk Café, 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 Commissioner 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 Café permit.

10-28-820 Review of application.

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

(A) If the Commissioner finds that the applicant meets the requirements of this article and the regulations promulgated hereunder, the Commissioner 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 Commissioner shall issue the Sidewalk Café permit to the applicant.

(B) If the Commissioner 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 Commissioner shall deny the application. The Commissioner shall notify the unsuccessful applicant in writing of the denial and the reasons therefore within ten business days after the denial.

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

(A) Each Sidewalk Café shall comply in all respects with the specifications set out in the plan submitted to the Commissioner, 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 Commissioner 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 Commissioner.

(D) Upon being notified of an actual or contemplated change pursuant to either subsection (B) or (C) of this section, the Commissioner shall review the change to determine if such change is insubstantial or substantial, using the same criteria as relevant to the Commissioner'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 Commissioner 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 Commissioner shall disapprove the change. If such change is substantial, a new permit application shall be required.

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

No permittee shall assign or transfer a Sidewalk Café permit.

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

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

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

A Sidewalk Café permit shall only authorize food and alcoholic beverage service at the Sidewalk Café. 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 Café by virtue of the Sidewalk Café permit.

10-28-845 Operational conditions.

(A) Sidewalk Cafés permitted under this article shall not operate earlier than 8:00 a.m. nor later than 12:00 midnight.



(B) Sidewalk Cafés permitted under this article shall not play music, whether live or recorded, nor allow music to be played at the Sidewalk Café, other than through headphones.

(C) The operator of a Sidewalk Café 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 Commissioner may alter this requirement by regulation in a situation where adherence to the requirement would make operation of a Sidewalk Café 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.

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

If alcoholic beverages are served at the Sidewalk Café, 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 Cafés.

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

All holders of a Sidewalk Café 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 hereunder, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.

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

(A) The Commissioner 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 Cafés 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 cafés, 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 Cafés;

(4) The time periods during which application can be made for a Sidewalk Café permit;

(5) Landscaping and other aesthetic components of the Sidewalk Café; 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.

10-28-865 Hearings.

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

10-28-870 Enforcement.

(A) The Commissioner 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 Cafés 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 Commissioner or his designee, the operator of a Sidewalk Café shall provide for inspection the documents required by this article to operate a Sidewalk Café, including the Sidewalk Café permit, the plan for the Sidewalk Café, and proof of insurance.



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

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 Commissioner, or investigator, of the Department of Business Affairs and Consumer Protection 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 Café in operation without a valid Sidewalk Café permit is subject to removal from the public way by the Commissioner or his designee. The provisions of Section 10-28-020 of the code shall apply to the removal of any portion of a Sidewalk Café, 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.

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 Café permit by the Commissioner.

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.



ACCESSIBILITY REQUIREMENTS FOR SIDEWALK CAFES IN THE CITY OF CHICAGO

The following accessibility requirements must be complied with in all sidewalk cafés operating in the City of Chicago. These provisions are not comprehensive and include only applicable municipal requirements. Restaurant owners and operators must also comply with numerous State and Federal requirements not discussed here.

Sidewalk Café Boundaries

Sidewalk café boundaries must not interfere with the accessibility of the public right of way on the sidewalk.

- Sidewalk café boundaries must be positioned so that at least 6 feet separates the outer edge of the barrier from City property such as street signs, planters, newspaper dispensers, fire hydrants, bus shelters or other obstacles or where no obstacles are present, the edge of the sidewalk (not including the curb) unless otherwise approved by the Department of Business Affairs and Consumer Protection. Sidewalk Café Rules of Operation.
- Sidewalk café boundaries must be constructed so that they are free of objects between 27 and 80 inches above the ground that protrude more than 4 inches unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide cane detection. Examples of potential non-compliant protruding objects are hanging lanterns, signs or other objects mounted on or alongside the café fences or barricades. CBC § 18-11-1104.6.
- Sidewalk café boundaries must be constructed so that they provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier at 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less. CBC § 18-11-1104.6.

Accessible Tables

At least 5% but not less than one of the tables in each sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be located on an accessible route (see below) and should be dispersed throughout the café seating area. Accessible tables have the following characteristics:

- Table top surfaces that are 28 to 34 inches above the floor. ANSI § 902.3.
- Clear floor space at the table that is at least 30 inches wide and 48 inches deep. Where possible this seating should be located where the sidewalk has a slope that is no greater than 1:50. ANSI §§ 305.2, 902.2.
- Knee clearance underneath the table 27 inches in height to a depth of at least 8 inches and toe clearance at least 9 inches in height to a depth of at least 11 inches. ANSI § 306.
- Under no circumstances should seating in sidewalk dining areas consist only of “high” or “bar stool” height tables and chairs. Where high tables and chairs are used, accessible tables outfitted with chairs of corresponding height must be provided as well.

Accessible Routes

An accessible route must connect the sidewalk café table seating with the restaurant, the restaurant entrance and any restrooms and public telephones. In other words, patrons with disabilities should be able to travel to and enter the sidewalk café seating area and proceed to the accessible sidewalk café tables. Patrons with disabilities should also be able to travel from accessible sidewalk café seating to the restaurant entrance.

In order for a route to be considered accessible:

- It should be 36 inches wide except where passing through an entrance gate, doorway or partition opening. ANSI § 403.5.
- Doorways and entrances on the accessible route should have a clear opening width of at least 32 inches (measured from the door surface to the doorframe when the door is open 90 degrees). 404.2.2.
- Thresholds along the route should be ½ inch or less and beveled with a slope no greater than 1:2. ANSI §§ 303.3, 404.2.4.
- The ground or floor surface should be stable, firm and slip-resistant (no dirt paths, loose gravel or grass). ANSI § 302.1.



- The floor surface should have a slope no greater than 1:20 in the direction of the accessible route and a cross-slope no greater than 1:50. ANSI § 403.3.
- Where it changes level, appropriate slopes (1:20 or less) or curb ramps, ramps, elevators or platform lifts must be used to provide access. ANSI § 303.
- It must be free of objects that protrude more than 4 inches into the circulation path at a height from 27 to 80 inches. CBC § 18-11-1104.6.1 unless a cane detectable barrier less than 27 inches above the ground is provided.

Service Animals

Service animals are animals trained to perform tasks for people with disabilities. These include but are not limited to guide dogs for people who are blind or have visual impairments, hearing dogs for people who are deaf or hard of hearing, seizure alert dogs and dogs that assist people with mobility impairments. Service animals are not pets and must be permitted to accompany individuals with disabilities who patronize sidewalk cafés. In addition, Illinois law requires that service animals in training be allowed in these establishments as well.

Policies, Practices and Procedures for Management and Staff

Restaurants must implement policies, practices and procedures to ensure that people with disabilities have access to accessible seating in sidewalk seating areas. Some basic policies that should be considered:

- Before opening each day and at other times during the course of the operating hours of the sidewalk café, make sure that tables and chairs have not shifted in a way that intrudes on the accessible route.
- Train all staff as to the location of the accessible seating areas. Make sure that they give individuals with disabilities the choice of waiting for an accessible table or proceeding to another table if that is available.
- Reserve accessible tables and chairs for use by individuals with disabilities until all other tables have been occupied. This will maximize the opportunity for people with disabilities to use these accessible features without unnecessary delays. If a person with a disability chooses to sit at a table that is not configured to be accessible you must allow that person to do so.
- If a platform lift is utilized to provide an accessible route to an outdoor dining area:
 - The lift must be left on and unlocked at all times so that it can be operated independently by patrons with disabilities.
 - The lifts should receive scheduled maintenance. It is the responsibility of the restaurant to take steps to ensure that it is operable and that any outages in service are minimized.
 - Staff should test the lift at the beginning of each day and be instructed to contact a repair service immediately if the lift is not working.
 - Staff should be trained on use of the manual back-up system of the lift to ensure that individuals with disabilities will be able to exit in the event of a mechanical breakdown or power outage.



RULES AND REGULATIONS FOR SIDEWALK CAFÉS

As promulgated by the Commissioner of Business Affairs & Consumer Protection pursuant to the provisions of Chapter 10-28 and Section 10-28-860 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 Consumer Protection
Business Assistance Center - Public Way Use Unit, City Hall, Room 800
121 North LaSalle Street, Chicago, Illinois 60602

b) **Alderman's Approval**

Application shall have prior approval of the Alderman of the Ward within which the Sidewalk Café 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 Café 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 Café is to be located and the relationship of the proposed Sidewalk Café to the surrounding public way.

II. Permit

A Sidewalk Café Permit is valid from the date of issuance up to and including December 1st.

a) **Account Holds**

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

b) **Pending Passage**

The issuance of a Sidewalk Café Permit is a privilege granted by the City Council. As a courtesy to Sidewalk Café operators, the Commissioner of Business Affairs and Consumer Protection may issue the Sidewalk Café Permit upon introduction and pending passage of the ordinance by City Council. However, the Commissioner shall rescind said Permit if the respective Sidewalk Café 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 Café Permits shall be paid upon ordinance introduction and are non-refundable. Permits are revocable by the Commissioner of Business Affairs and Consumer Protection at any time.

III. Operation

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



The Sidewalk Café Permit and approved Plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the Sidewalk Café during all hours of operation. The boundaries of the Sidewalk Café, 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 Commissioner. The arrangement and number of tables and chairs within the authorized boundaries of the Sidewalk Café shall reflect the approved plan and shall not be substantially changed, altered, added to or reduced without the approval by the Commissioner. 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 Café shall not exceed the approved seating capacity number on the Sidewalk Café Permit. At no time may the Sidewalk Café be used in excess of the approved seating capacity to allow for standing room patrons.

b) Responsibilities of Sidewalk Café Permittee

A Sidewalk Café permittee is responsible to the community surrounding the Sidewalk Café premises. It is the affirmative duty of a Sidewalk Café 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 Café 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 Café 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 Café premises. For purposes of this rule, "Adjacent" means: (1) any public way located immediately next to a Sidewalk Café premises; or (2) any private property that is located immediately next to a Sidewalk Café 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 Café 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 Café permittee has an affirmative duty to prohibit any patron from leaving the Sidewalk Café 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 Café.

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 Cafés 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 Café throughout the city of Chicago.

The railing, fencing or other such method to enclose a space for the use of a Café 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 Café fence or railing. In addition, for every 100 additional square feet of area beyond a 300 square foot Café, 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 Café with 630 square foot area would provide three shrubs and Café 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 Café 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 Commissioner of Business Affairs and Consumer Protection.

e) Boundary and Clearance



Boundary shall fully enclose the permitted area from the remainder of the public way. The Sidewalk Café 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 Café and all public way encumbrances shall also be at least 6 feet. Sidewalk Cafés located along the curb shall allow a minimum clearance of one (1) foot from the Sidewalk Café to the edge of the curb.

The Sidewalk Café'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 Café in operation or continuing to keep the boundaries and/or furniture on the public way shall be subject to removal and citation.

Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but not limited to, parking meters, fire hydrants, newspaper stands and boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services.

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

Any exceptions to the Boundary and Clearance Requirements must be approved by the Commissioner of Business Affairs and Consumer Protection.

f) Parkways

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

g) Debris

All areas surrounding the Sidewalk Café 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 Café shall not be disposed of in city containers.

h) Operating Hours

Sidewalk Cafés 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 Café 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 Café 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 Café outside of the Sidewalk Café's approved operating hours as noted on the respective permit.

j) Employees

Sidewalk Café 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 Café other than a service dog assisting a handicapped person. However, dogs are permitted within a Sidewalk Café if the business holds a Retail Food Establishment-Supplemental License for Dog-Friendly Areas.



m) Deck

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

n) Scaffolding and Construction Canopies

Sidewalk Cafés cannot operate under scaffolding or construction canopies.

o) Food Service

A Sidewalk Café Permit may only be granted to an establishment with a valid retail food license where the primary business activity in the Sidewalk Café 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 Café is operational.

In the event a business applies for a Sidewalk Café 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 Café 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 Café 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 Cafés will be investigated by the Department of Business Affairs and Consumer Protection and violations of the rules and regulations heretofore promulgated will result in citations and possible revocation of the Sidewalk Café Permit.



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 Cafés that are placed on the sidewalk require a Sidewalk Café permit. This permit has a 9 month term; the Sidewalk Café 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 your Alderman's office, at our website: www.cityofchicago.org/bacp, at the Business Assistance Center in City Hall - Room 800, or by calling 312-74-GOBIZ.