

ORDINANCE NO. 22-O-0019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST CHICAGO – CHAPTER 9 (LICENSES, PERMITS, AND BUSINESS REGULATIONS), ADDING A NEW ARTICLE XXX – OUTSIDE SEATING IN THE PUBLIC RIGHT-OF-WAY, SECTION 9-748 – 9-758

WHEREAS, the City of West Chicago (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1. Recitals. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Adoption. Chapter 9 of the Code of Ordinances of the City of West Chicago shall be amended by the adoption of a new Article XXX as stated herein, which shall read as follows:

“ARTICLE XXX. OUTSIDE SEATING IN THE PUBLIC RIGHT-OF-WAY

Sec. 9-748. – Exemptions.

This article shall not be applicable to persons, businesses, or organizations that have outside seating when such seating is located entirely on private property owned or leased by the entity.

Sec. 9-749. – License Required.

It shall be unlawful for any person, business, or organization to place any tables, chairs, or any other type of seating on a public sidewalk without first obtaining approval of a license agreement for such from the City of West Chicago.

Sec. 9-750. – License Agreement

A license agreement shall be applied for each year in which a seating area on a public sidewalk is proposed. A license agreement shall expire on November 1st of the year it was issued. License agreements are nontransferable and may not be assigned to a third-party.

Sec. 9-751. – Location

The seating area shall be located on the side of the public sidewalk furthest away from a street and all tables and chairs shall be located up against the building. A seating area along the street side of a sidewalk is prohibited. The seating area shall not obstruct ingress to and egress from the licensed business nor any other business. A site plan shall be submitted at the time of application for a License Agreement indicating the number and location of tables and chairs.

Sec. 9-752. – Minimum Pedestrian Clearance

A minimum of 36 inches in width shall remain free and clear from any obstructions on the sidewalk within the public right-of-way for pedestrian traffic.

Sec. 9-753. – Prohibited Activities.

- (a) No food or drink preparation may occur in the seating area or elsewhere on the public sidewalk.
- (b) No dishes, utensils, menus, or other similar items may be stored in the seating area or elsewhere on the public sidewalk.
- (c) No host/hostess station may be located in the seating area or elsewhere on the public sidewalk.
- (d) In addition to any requirement of the Smoke Free Illinois Act (*410 ILCS 82*), no smoking shall be permitted within fifteen (15) of the seating area.
- (e) No alcohol may be served within the seating area unless a Class L license has been issued by the City. A Class L license shall allow alcohol to be served and consumed in the seating area but in no event shall alcohol be served or consumed elsewhere on the public sidewalk.
- (f) No video gaming devices may be located in the seating area or elsewhere on the public sidewalk.
- (g) No speakers or other outdoor amplification, including live entertainment, is permitted outside of the building. No speakers or other amplification, including live entertainment, originating from within the building may be situated or positioned with the intention of being heard from the seating area.
- (h) No signage, balloons, streamers, pennants, spinners, or any other object with the sole purpose of attracting vehicles or pedestrians to the seating area is permitted within any portion of the public right-of-way.

Sec. 9-754. – Maintenance

The seating area and nearby sidewalk shall be maintained at all times in a clean, healthy and attractive condition. This maintenance shall be the responsibility solely of the business. All trash originating in the seating area shall be disposed of within the building. No litter shall occur

within the public right-of-way as a result of the seating area at any time. If the City determines this requirement is not being met, the City may issue a notice of violation to the Licensee requiring immediate removal of litter by Licensee. If any litter originating from the seating area requires removal by the City, the Licensee shall be required to pay the Licensor the cost of removal.

Sec. 9-755. – Duration

An approved seating area shall be permitted on the public sidewalk only between May 1st and October 31st. The seating area shall be completely removed from the public sidewalk no later than November 1st.

Sec. 9-756. – Liability Insurance.

Licensee shall purchase and maintain comprehensive general liability insurance of \$1,000,000 for each occurrence and a general aggregate limit for professional liability insurance no less than \$2,000,000. The City of West Chicago, its officials, agents, employees, and volunteers shall be named as additionally insured. The additional insured is covered with respect to liability arising out of any bodily injury, death of any person, or property damage resulting from the use of the public right-of-way for the seating area. No endorsements or additional forms shall modify or limit coverage provided to additional insured. Coverage provided to additional insured shall be primary as it relates to use of public right-of-way for the seating area.

Sec. 9-757. – Application Fee

The application fee for a License Agreement shall be as prescribed in Appendix G.

Sec. 9-758. – Failure to Comply

Failure to comply with any requirements contained in this Article, or any requirement contained in the approved License Agreement, may be cause for revocation of the license agreement.”

Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____, 2022.

Alderman J. Beifuss	_____	Alderman L. Chassee	_____
Alderman J. Sheahan	_____	Alderman H. Brown	_____
Alderman A. Hallett	_____	Alderman C. Dettmann	_____
Alderman M. Birch-Ferguson	_____	Alderman S. Dimas	_____
Alderman C. Swiatek	_____	Alderman M. Garling	_____
Alderman R. Stout	_____	Alderman J. Short	_____
Alderman J. Morano	_____	Alderman J. Jakabcsin	_____

APPROVED as to form: _____
City Attorney

APPROVED this ____ day of _____, 2022 .

Mayor, Ruben Pineda

ATTEST:

Deputy City Clerk Valeria Perez

PUBLISHED: _____