

CITY OF PARK RIDGE

ORDINANCE 2022 – 28

**AN ORDINANCE APPROVING CODE CHANGES
TO UPDATE THE OUTDOOR DINING REGULATIONS
IN THE CITY OF PARK RIDGE**

WHEREAS, the City of Park Ridge is an Illinois home-rule municipality operating under the Constitution and Laws of the State of Illinois; and

WHEREAS, during the course of the COVID-19 public health emergency, the Governor encouraged local governments to approve temporary rules to help restaurants and other hospitality-oriented businesses implement modified operating procedures which complied with executive orders and public health regulations; and

WHEREAS, the Mayor of Park Ridge issued a series of executive orders which modified and/or relaxed the enforcement of certain business and parking regulations to promote and allow outdoor dining; and

WHEREAS, the outdoor dining program operated without significant negative impacts and created a pedestrian-oriented, business-friendly atmosphere within the City; and

WHEREAS, the Mayor and City Council desire to adopt amendments to the City Code to update and expand the City's outdoor dining regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council, in exercise of its home rule authority, as follows:

SECTION 1. Recitals. The Mayor and City Council express that the foregoing recitals, incorporated herein by reference, represent the purpose and intent of this Ordinance and they desire for this ordinance to be liberally construed to most effectively accomplish the goals set forth herein.

SECTION 2. Outdoor Cafes. Article 5, Chapter 3.1 of the City Code, Outdoor Cafes, is hereby repealed and replaced with the revised Chapter 3.1, attached hereto and incorporated by reference. It is the Council's intent for this repeal and replace to apply only prospectively and any violations arising under the current version of Chapter 3.1 shall not be excused or released by the adoption of the revised regulations.

SECTION 4. Superseding Effect. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

SECTION 5: Effective Date. The Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

SECTION 6: Publication. The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this 2nd day of May, 2022.

VOTE:

AYES: Alderman Moran, Sanchez, Wilkening, Harrington, Melidosian and Joyce (6)

NAYS: None (0)

ABSENT: Alderman Biagi (1)

Approved by me this 2nd day of May, 2022.

Marty Maloney, Mayor

Attest:

Sal Raspanti, Clerk

EXHIBIT A

ARTICLE 5, CHAPTER 3.1

[SEE ATTACHED]

CHAPTER 3.1 - OUTDOOR CAFÉS^[2]

SECTION

Footnotes:

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History—Ord. No. 2004-26, 4-5-2004.

5-3.1-1 - DEFINITIONS

Outdoor café. An outdoor food service area operated adjacent to and in conjunction with one or more restaurant(s) or fast food restaurant or on a rooftop deck of a restaurant or fast food restaurant. This definition shall include sidewalk, parking lot or street cafés and private outdoor cafés located on private property. For the purpose of this Chapter, an outdoor café also will be considered adjacent to the principal restaurant if it extends in front of adjoining businesses if the adjoining business owner grants written consent to the location of the café. The written consent must be renewed on an annual basis.

Private outdoor café. An outdoor café on private property.

Public area. A public sidewalk and/or public right of way.

Sidewalk café. An outdoor café on the public sidewalk and/or public right of way.

(Ord. No. 2010-47, 5-03-2010)

5-3.1-2 - OUTDOOR CAFÉ LICENSE

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

5-3.1-3 - ELIGIBILITY; APPLICATION FOR LICENSE

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

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

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

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

5-3.1-5 - REQUIREMENTS FOR ALL OUTDOOR CAFÉS

A. General Standards:

1. All tables, chairs and other equipment shall be constructed and set up in such a manner as to be easily removed upon request and as required by the City.
2. The sale and consumption of alcoholic beverages in the Outdoor Café shall be restricted by the liquor license governing the restaurant.
3. The Outdoor Café shall not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.
4. An outdoor Café may only be open from between the hours of 7:00 a.m. and 11:00 p.m. on any day.
5. The proprietor shall be required to provide additional outdoor trash receptacles for the Outdoor Café as required by the City's Health Authority. All trash receptacles shall be maintained.
6. An Outdoor Café permit shall be subject to an annual review.
7. An Outdoor Café may be located on an impervious surface, including any street or parking spaces designated by the City for such use, and the landscaped area of the parkway, provided no seating or other equipment will directly impact or obstruct any tree, trellis or tree wall.
8. No food may be stored, cooked or otherwise prepared in the Outdoor Café area.
9. No soiled food service equipment, utensils or tableware may be kept in the Outdoor Café area.
10. All clean food service equipment, utensils or tableware must be covered at all times.
11. The Outdoor Café shall be accessible to the disabled, and the Licensee shall at all times comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of service.
12. The Outdoor Café shall not obstruct any fire exit, fire escape or other required means of ingress and egress.
13. Except to the extent permitted by the City Manager under the authority described in Article 13 of this Code, in no event shall the operation of the Outdoor Café interfere with the passage of pedestrian or vehicular traffic, or cause the public sidewalk to violate the Illinois Accessibility Code.
14. In no event shall the operation of, or placement of equipment or furnishings for, the Outdoor Café obstruct access to any bus stop, crosswalk, mailbox or curb cut. The furnishings or equipment shall not obstruct access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether the placement of equipment or furnishings obstructs access to any of the foregoing shall be the sole determination of the City Manager or his designee.
15. Outdoor furnishing materials and finishes shall be durable, smooth, and easily cleanable; and shall be kept in sound condition and good repair. Outdoor furniture may remain outside for the duration of the license term so long as it is made available for its ordinary and customary use by

patrons. Outdoor furniture which is not made available for its ordinary and customary use by patrons must be removed from public property and placed in storage. Licensees are solely responsible for damage to or loss of their furniture and by accepting an outdoor café license the licensee expressly waives any claims against the City for damage to the furniture as a result of the City's street maintenance or snow removal operations.

16. Pets may be allowed in an Outdoor Café area only with approval from the Health Authority. Health Authority approval will be based upon compliance with each of the following criteria:
 - a. The owner of the food establishment would request approval.
 - b. The Outdoor Café must be open and available for use by the public including customers.
 - c. The Outdoor Café must be on or immediately adjoining a public area.
 - d. There may be no wait staff service in the Outdoor Café specific to the presence of pets and animals in the dining area.
17. Rooftop decks must comply with all building codes, fire codes, and all other applicable public health and safety codes.

B. Design Standards:

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

C. Submittal Requirements:

1. The following shall be submitted at the time of application:
 - a. A completed application form with a letter from the building owner granting permission for the Outdoor Café. A restaurant can expand their outdoor dining area further along the sidewalk that extends beyond their own storefront façade with the written consent of the building owner(s) corresponding with the entire effected façade. If the City has made available for outdoor cafés parking spaces or traffic lanes in front of the façade of the restaurant, the application may designate those areas for which permission to operate a café is sought.
 - b. A twenty-dollar (\$20.00) application fee.
 - c. A Site plan, drawn to accurate scale, illustrating the location of the proposed Outdoor Café.
 - d. Catalog cuts and/or photographs of all furniture and other equipment to be located within the Outdoor Café.
 - e. A Plat of Survey of the property, which shall include the right-of-way between the building and the curb.

(Ord. No. 2006-01, 1-9-2006; Ord. 2010-47, 5-03-2010)

5-3.1-6 - ADDITIONAL REQUIREMENTS FOR SIDEWALK CAFÉS

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

- A. The licensee shall provide the City, in a form acceptable to the City Attorney, the following:
 - 1. An agreement to indemnify, defend and hold harmless the City for any and all claims for liability or damages arising from the operation of the Sidewalk Café; and
 - 2. A certificate of general liability insurance and workers compensation insurance. The amount of required general liability coverage shall be not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) annual aggregate. The City shall be named as an additional insured on the face of the certificate and the insurer shall have no less than a B++ rating by the most recent AM Best Insurance Rating Guide.
- B. The Licensee shall be responsible for the maintenance and upkeep of the Public Area used for the Sidewalk Café and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be attached by any means to the Public Area or any other public property. Maintenance shall include daily cleaning of the area by an employee of the Licensee.
- C. The Licensee shall submit a detailed drawing showing the placement of every item of furniture or equipment to be used as a part of the Sidewalk Café. The proposed locations shall be subject to the review and approval of the City.
- D. Any seating area where alcoholic beverages are sold or consumed shall be enclosed by a border and shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the Sidewalk Café, except to the interior of the restaurant.

(Ord. No. 2008-19, 4-7-2008)

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

- A. Term. Each Outdoor Café license shall be valid for a term of one year. A renewal application shall provide the same information as an original application, but copies of the previous year's site plan may be used if there are no changes from the prior submission. The period and term of the license approval is for January 1 through December 31 of each one year cycle.
- B. Suspension. Outdoor Café licenses may be suspended or revoked by the Health Authority as provided in Section 5-3-7 and 5-3-8 of this Code.
- C. License Not Property. An Outdoor Café license shall not constitute personal property. The City shall retain at all times, the right to terminate any Outdoor Café license, or may completely eliminate this class of license, upon 30 days written notice to the license holder(s). Should the City terminate any license other than for reason of a violation of City regulations, the City shall refund to the Licensee the pro-rated portion of the annual fee paid by the Licensee. If an Outdoor Café subsequently becomes subject to any Zoning Ordinance regulations, those regulations shall apply to each Outdoor Café irrespective of the date of its establishment. No Outdoor Café shall be deemed, either now or hereafter, to be a legal nonconforming use.

5-3.1-8 – OUTDOOR CAFÉ LICENSE FEE FOR 2022

The fee for an Outdoor Café license for 2022 is established according the following schedule:

- A. For Outdoor Cafés which use public property, but not parking spaces and/or streets: \$50.00 plus \$5.00 for each seat; and
- B. For Outdoor Cafés which use parking spaces set aside by the City under the authority described in Sections 13-1-8, 13-9-3 or 13-11-4 of the City Code; \$600 per space; and
- C. For Outdoor Cafes which use streets set aside by the City under the authority described in Sections 13-1-8, 13-9-3 or 13-11-4 of the City Code; \$3.75/square feet.

Outdoor cafés which use multiple areas described in this schedule must pay the cumulative amount corresponding to all the areas occupied by the café.”

(Ord. 2006-01, 1-9-2006)