

City of St. Charles, Illinois

Ordinance No.:
2025-M-4

**An Ordinance Amending Title 12, “Streets,
Sidewalks, Public Places and Special Events”
Section 12.04.102 “Outdoor cafes and food
carts in public places” (Increase to Permits
Fees for use of First Street Plaza for Outdoor
Dining).**

**Adopted by the
City Council
of the
City of St. Charles
March 17, 2025**

Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, March 24, 2025.





City Clerk

(S E A L)

City of St. Charles, IL
Ordinance No. 2025-M-4

**An Ordinance Amending Title 12, “Streets, Sidewalks, Public Places
and Special Events”, Chapter 12.04, “General Provisions,” Section
12.04.102, “Outdoor Cafes and Food Carts in Public Places” of the St.
Charles Municipal Code**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 12, “Streets, Sidewalks, Public Places and Special Events”, Chapter 12.04, “General Provisions,” Section 12.04.102, “Outdoor Cafes and Food Carts in Public Places” of the St. Charles Municipal Code is hereby deleted in its entirety and replaced by new Section 12.04.102, “Outdoor Cafes in Public Places,” attached hereto as Exhibit “A”.

2. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage
Counties, Illinois this 17th day of March 2025.

PASSED by the City Council of the City of St. Charles, Kane and DuPage
Counties, Illinois this 17th day of March 2025.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 17th day of March 2025.



Lora Vitek, Mayor

Attest:



City Clerk/Recording Secretary



COUNCIL VOTE:

Ayes: 9

Nays: 0

Absent: 1

Abstain: 0

DATE: _____

3/17/25

Exhibit A

12.04.102 Outdoor cafes and food carts in public places.

The City Administrator is authorized to issue outdoor café permits for the use of public places located in the CBD-1 zoning district, for the purpose of serving food and beverages to the public (including, without limitation, the placement of tables, chairs, carts, and similar or related equipment), subject to the conditions listed in this section. As a condition of an outdoor café permit, applicants shall sign a form provided with the permit application materials acknowledging and agreeing to comply with all terms listed in this section.

- A. Permits issued hereunder shall be valid for a term of one hundred (100) days or less and shall be issued starting on the date below (or date of application, whichever is later), and terminating on the date indicated below:

Summer Season: CBD-1 Public Sidewalks and First Street Plaza:

1. The period of April 15 through July 23
2. The period of July 24 through October 31

Winter Season: First Street Plaza:

1. The period of November 1 through January 22
2. The period of January 23 through April 14

The holder of a permit for one of the time periods identified above shall not have any automatic right to the issuance of a permit for the following period, but shall have the right to apply for a new permit.

The City Administrator may limit the availability of permits, or further limit the duration of permits issued, based upon construction or maintenance activity, temporary access requirements to or through an area, and/or events or other planned uses of the sidewalk or plaza space.

- B. Permit fees shall be:

1. Use of Public Sidewalk within right-of-way: one hundred and twenty-five dollars (\$125.00).
2. Use of the First Street Plaza, based upon compliance with Outdoor Café layout approved by City Council: One hundred twenty-five dollars (\$125.00) submittal fee plus twenty dollars (\$20.00) per seat, determined by a permit application and site plan with total of proposed seats.

C. Outdoor Dining Deposit Requirement for Use of the Public First Street Plaza

1. **Deposit Amount:** Any business requesting a permit for Outdoor Café on the public First Street Plaza shall submit a deposit of \$2,000 (the "Deposit").
2. **Purpose of the Deposit:** The Deposit will be used in the event that:

- i. Damage occurs to the Plaza as a direct or indirect result of outdoor dining activities. Such damages may include, but are not limited to, physical harm to the infrastructure, landscaping, or public amenities within the Plaza.
 - ii. The City incurs costs from administering or enforcing any permit requirements.
3. **Use of Deposit:** The use of the Deposit shall be at the sole discretion of the City. The City may utilize the Deposit to repair or restore any damages and to cover incidental costs incurred in connection with the Outdoor Café permit, including costs to remove or dispose of any refuse or abandoned items.,.
4. **Refund:** The City will refund the remaining balance upon the request of the permit holder no sooner than 30 days after the completion of the Summer outdoor dining season. The City reserves the right to retain all or a portion of the Deposit to cover costs incurred in connection with the outdoor dining use, at the City's sole discretion.
- D. An outdoor café permit shall be required prior to placing tables, chairs, umbrellas, enclosure fencing, carts, or any other equipment on any public sidewalk, or walkway or plaza.
- E. Outdoor Café Permits may be issued only where the equipment is incidental to the operation of a restaurant on private property contiguous to the sidewalk, walkway or plaza.
- F. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the uses permitted by an outdoor café permit reduce the open portion of any sidewalk or walkway to less than five feet (5') in width. All equipment placed in the public area shall conform with Section 12.04.200 of this chapter as to corner visibility.
- G. Prior to issuance of a permit, the applicant shall furnish a dimensioned plan showing the sidewalk or other public space and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates and bicycle racks. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture including tables, seats, carts, and other equipment to be placed on the sidewalk or plaza. City staff may audit permittees at any time to verify number of tables and seats accurately correspond to the submitted application. A penalty of a fifty dollar (\$50.00) fine shall be imposed for each additional seat discovered at the time of a City staff audit. In order to keep the discovered seats, the permittee would need to pay for the per seat fee in addition to the fine.
- H. The consumption and possession of alcoholic beverages in the area for which an outdoor café permit has been issued shall be prohibited, except as allowed pursuant to Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.300, "Consumption and Possession of Alcoholic Liquor on Public Property."

- I. All applicable County Health Department sanitation requirements shall be followed for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- J. All public areas encompassed by the outdoor café permit shall be maintained in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
- K. Permittees are responsible for emptying the public trash containers placed by the City if they should become full prior to the next regular pickup time.
- L. Permittees shall see that the public areas encompassed by their outdoor café permit are clean at the end of each business day, so as not to have any food or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- M. Design and placement of tables and chairs, as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act and the Illinois Accessibility Act.
- N. No tables, umbrellas, enclosure fencing, or other equipment shall be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- O. The applicant for an outdoor café permit shall provide at its sole cost and expense, and shall maintain in effect during the entire period of the permit, insurance at a minimum in at least the following manner, or equivalent coverage determined acceptable by the City Administrator:
 - 1. Worker's Compensation Insurance in at least the required statutory limits.
 - 2. Comprehensive General Liability Insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million dollars (\$2,000,000.00) per occurrence, and two million dollars (\$2,000,000.00) for any single injury.
 - 3. Umbrella Liability Insurance with limits of at least one million dollars (\$1,000,000.00) per occurrence.
 - 4. Liquor Liability Coverage for any establishment serving alcohol on public property.
 - 5. Prior to issuance of a Outdoor Café permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
 - 6. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the outdoor café permit until thirty (30) days after written notice of such change has been delivered to the City.
- P. The permittee shall indemnify, defend, protect, and hold harmless the City, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses

incurred in a connection therewith, including but not limited to a reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "Losses") directly or proximately resulting from permittee's acts or omissions, except to the extent that the City is the sole legal cause of said losses. The foregoing notwithstanding, under no circumstances shall the issuance of any permit provided for under the St. Charles Municipal Code, including but not limited to an outdoor café permit, to the permittee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said permit shall be deemed a waiver by the City of any defenses or immunities relating to the permittee or its property, or to any person or entity or their property, that are or would be otherwise available to the City or its corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this section shall survive the expiration or earlier termination of each outdoor café permit, or the renewal thereof.

- Q. The City may suspend or revoke the outdoor café permit for any reason including, but not limited to violations of any provision of the St. Charles Municipal Code, after providing at least three (3) days written notice, except in an emergency, to a permittee.
- R. An outdoor café permit may not be assigned or transferred without prior written consent of the City Administrator. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person. The outdoor café permit shall not confer any property rights.
- S. The Permittee shall promptly remove all of permittee's structures, equipment or improvements of all kinds, whether in or adjacent to the Outdoor Café, no later than the date of termination of the permit (or date of permit suspension or revocation, if applicable).
- T. Enclosure fencing must be black in color, durable, and weather-resistant, suitable for outdoor use. Suitable materials include powder-coated steel, wrought iron, or similar materials known for their longevity and rust resistance. Pole and chain fencing are not considered suitable. Fencing is permitted to be between thirty-six feet (36) and forty-eight (48) feet in height. The design of the fencing should be in harmony with the restaurant's aesthetic, provided it adheres to the black color requirement. Fencing must exhibit uniformity in terms of style, type, and color through the restaurant's outdoor dining space.
- U. Umbrellas must be made of high-quality, weather-resistant materials, such as UV-resistant fabric, aluminum, stainless steel or other durable materials, to withstand outdoor conditions. Umbrellas should be designed to resist fading, tearing, and damage from wind and rain. All umbrellas must have an established color scheme or design that complements the restaurant's overall aesthetic.
- V. Outdoor dining tables must be constructed from weather-resistant materials such as metal, aluminum, hardwood, or high-quality synthetic materials known for their resistance to outdoor conditions. Tables should be designed to be stable and level, minimizing wobbling or tipping. Tables are required to have weighted bases or other stability features to prevent tables from being easily displaced by wind. Tables should

exhibit a design that aligns with the restaurant's overall aesthetic and uniform in terms of style.

(2022-M-41: § 1; 2022-M-19: § 1; 2010-M-68: § 1; 2007-M-45: § 2; 2004-M-8: § 2; 1999-M-48: § 2; 1996-M-57: § 1; Ord. No. 2023-M-22, § 1(Exh. A); Ord. No. 2023-M-23, § 1(Exh. A))

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **March 17, 2025**, the Corporate Authorities of such municipality passed and approved **Ordinance No. 2025-M-4** entitled:

An Ordinance Amending Title 12, "Streets, Sidewalks, Public Places and Special Events" Section 12.04.102 "Outdoor cafes and food carts in public places" (Increase to Permits Fees for use of First Street Plaza for Outdoor Dining).

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 2025-M-4**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **March 17, 2025**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 17th day of March 2025.

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Nancy Garrison
Municipal Clerk