

City of St. Charles, Illinois

Ordinance No. 2004-M-8

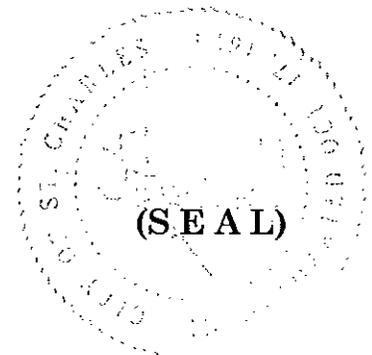
**An Ordinance Amending Chapter 12.04 of
Title 12, "Streets, Sidewalks and Public Places",
of the St. Charles Municipal Code
(Outdoor Cafes, Food Carts, and Sidewalk Signs)**

**Adopted by the
City Council
of the
City of St. Charles
January 19, 2004**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, January 23, 2004**



City Clerk



ORDINANCE NO. 2004-M- 8

**AN ORDINANCE AMENDING CHAPTER 12.04 OF TITLE 12,
"STREETS, SIDEWALKS AND PUBLIC PLACES",
OF THE ST. CHARLES MUNICIPAL CODE
(Outdoor Cafes, Food Carts, and Sidewalk Signs)**

BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That Section 12.04.100 entitled "Private use of public places restricted" of Title 12, "Streets, Sidewalks and Public Places", of the St. Charles Municipal Code be and is hereby amended by deleting Section 12.04.100 in its entirety and by substituting the following therefor:

"12.04.100 Private use of public places restricted.

It is unlawful for any person, firm or corporation to use any street, sidewalk, walkway, plaza or other public place within the public right of way or within property owned or controlled by the City, as space for the display of goods or merchandise for sale, lease, trade or for free or to write or mark any signs or advertisement on any such place, except as provided in Sections 12.04.101, "Sidewalk Sales", Section 12.04.102, "Outdoor Cafes and Food Carts in Public Places", and 12.04.104, "Sidewalk Signs"."

SECTION 2. That Section 12.04.102 entitled "Outdoor Cafes in Public Places" of Title 12, "Streets, Sidewalks and Public Places", of the St. Charles Municipal Code be and is hereby amended by deleting Section 12.04.102 in its entirety and by substituting the following therefor:

"12.04.102 Outdoor Cafes and Food Carts in Public Places.

The City Administrator is authorized to issue permits for the use of public places for restaurant tables, chairs, food carts, and similar or related equipment for the purpose of serving food and/or nonalcoholic drink to the public, subject to the following conditions:

- A. A Sidewalk Café Permit shall be required prior to placing tables, chairs, umbrellas, enclosure fencing, food carts, or any other equipment on any public sidewalk, or

walkway or plaza. Permits issued hereunder shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year. The permit fee for a Sidewalk Café Permit shall be fifty dollars (\$50.00) for each year the permit is obtained.

- B. Sidewalk 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.
- C. 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 a Sidewalk 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.
- D. 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 in the area, bicycle racks and newspaper boxes. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture, food carts, and other equipment to be placed on the sidewalk.
- E. The permittee shall prohibit the consumption and possession of alcoholic beverages in the area for which a Sidewalk Café Permit has been issued as required by Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.390, "Consumption and Possession of Alcoholic Liquor on Public Property."
- F. 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.
- G. All public areas encompassed by the Sidewalk 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.

- H. 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.
- I. Permittees shall see that the public areas encompassed by their Sidewalk 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.
- J. 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.
- K. No tables, umbrellas, enclosure fencing, or other equipment shall be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- L. The applicant for a Sidewalk Café Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
 - 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 one million (\$1,000,000.00) dollars per occurrence, and one million (\$1,000,000.00) dollars for any single injury; and
 - 3) Prior to issuance of a Sidewalk 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.
 - 4) The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the Sidewalk Café Permit until 30 days after written notice of such change has been delivered to the City.

- M. The permittee shall hold harmless, indemnify, and defend the City from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a Sidewalk Café Permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
- N. The City may suspend or revoke the Sidewalk 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. ”

SECTION 3. That Title 12, "Streets, Sidewalks and Public Places", of the St. Charles Municipal Code be and is hereby amended by adding Section 12.04.104, as follows:

“12.04.104 Sidewalk Signs.

The City Administrator is authorized to issue permits for the use of public places for signs for the purpose of advertising businesses on adjoining property, subject to the following conditions:

- A. A Sidewalk Sign Permit shall be required prior to placing any sign on any public sidewalk, or walkway or plaza. Permits issued hereunder shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year. The permit fee for a Sidewalk Sign Permit shall be thirty dollars (\$30.00) for each year the permit is obtained.
- B. Sidewalk Sign Permits may be issued only where the sign is incidental to the operation of a business on private property contiguous to the sidewalk, walkway or plaza. Only one sign shall be permitted per business establishment, except that public service signs (i.e., signs indicating the curb location of valet parking or Health Department requirements for sidewalk cafes) may be permitted in addition to the

one sign per business.

- C. The sign shall not be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- D. The sign shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the sidewalk sign reduce the open portion of any sidewalk to less than five feet (5') in width. The location and height of the sign shall conform with Section 12.04.200 of this Chapter as to corner visibility.
- E. The applicant for a Sidewalk Sign Permit shall provide at its sole cost and expense and shall maintain in effect during the entire period of the permit, insurance in the following manner:
 - 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 one million (\$1,000,000.00) dollars per occurrence, and one million (\$1,000,000.00) dollars for any single injury; and
 - 3) Prior to issuance of a Sidewalk 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.
 - 4) The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the Sidewalk Café Permit until 30 days after written notice of such change has been delivered to the City.
- F. The permittee shall hold harmless, indemnify, and defend the City from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a Sidewalk Café Permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
- G. The City may suspend or revoke the Sidewalk Sign 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.”

SECTION 4. That after the adoption and approval hereof this Ordinance shall (i) be 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, Illinois, this 19th day of January, 2004.

PASSED by the City Council of the City of St. Charles, Illinois, this 19th day of January, 2004.

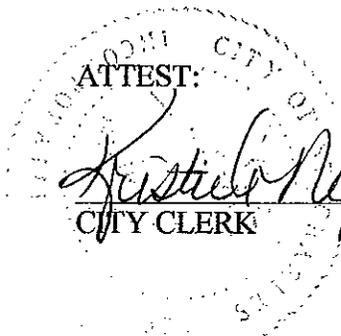
APPROVED by the Mayor of the City of St. Charles, Illinois, this 19th day of January, 2004.



MAYOR

ATTEST:


CITY CLERK



COUNCIL VOTE:

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Ayes: 9
Nays: 0
Absent: 1

"Approved as to Form

Timothy D. O'Neil
City Attorney

DATE: January 19 2004

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

Certificate

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

I further certify that on January 19, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 2004-M-8, entitled

"An Ordinance Amending Chapter 12.04 of Title 12,
"Streets, Sidewalks and Public Places,"
of the St. Charles Municipal Code
(Outdoor Cafes, Food Carts, and Sidewalk Signs),"

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

The pamphlet form of Ordinance No. 2004-M-8, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 23, 2004, 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 19th day of January 2004.



Municipal Clerk

