

CITY OF CHICAGO SIDEWALK CAFÉ PROGRAM



2018 SEASON

SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE

Department of Business Affairs and Consumer Protection
Public Way Use Unit • City Hall, Room 800
121 North LaSalle Street, Chicago, Illinois 60602
WWW.CITYOFCHICAGO.ORG/SBC
312.74.GOBIZ (744.6249) • 312.742.1974 (TTY)

CITY OF CHICAGO SIDEWALK CAFÉ PROGRAM

2018 SEASON-SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE

This is the City of Chicago Sidewalk Café Application Information Package for the 2018 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 Chicago (“Code”).

Completed applications may be submitted via mail, or in person, to:

City of Chicago
Department of Business Affairs and Consumer Protection
Small Business Center – Public Way Use Unit City Hall, Room 800
121 North LaSalle Street
Chicago, Illinois 60602

Renewal Option. If your 2018 sidewalk café application and site plan will not change from what was permitted in 2017, you may simply renew your permit by checking the “No Change” box provided in the RENEWAL OPTION CHOICE section of your Sidewalk Café Permit Renewal Application Packet - 2018 Season. If you did not receive your renewal application, please contact us at: publicwayuse@cityofchicago.org, or at 312-74-GOBIZ (744-6249).

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/sbc, and then click on the “Public Way Use Permits” link in the “SBC RESOURCES” section.

For Aldermanic Ward office information, please go to the City of Chicago Office of the City Clerk website at: <http://chicago.legistar.com/People.aspx>.

For 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 annual Sidewalk Cafe Permit fee varies depending on the size and location of the Sidewalk Café. The minimum Sidewalk Cafe Permit fee is \$600.00. Sidewalk Café fees are non-refundable.* After your application is approved and introduced to the

City Council, your fee will be calculated and your invoice will be mailed. Please do not include any payment with your application submission.

Thank you for applying for a City of Chicago Sidewalk Café Permit, and have a nice season!

Department of Business Affairs & Consumer Protection
Public Way Use Unit

APPLICATION CHECKLIST

- **Application**
 - Please ensure that all pages of the enclosed Application are accurate and complete.
 - For additional information about the Sidewalk Café Permit, please read Sections 10-28-800 through 10-28- 875 (Article XII of Chapter 10-28 of the Code) and the promulgated Rules for Sidewalk Cafés included in this Sidewalk Café Application Information Package.
- **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 at: www.cityofchicago.org/sbc > Apply for a Business License, or in person at BACP's Small Business Center, City Hall, Room 800, 121 N. LaSalle Street, Chicago, Illinois 60602. For more information, please contact us at: publicwayuse@cityofchicago.org or at 312-74-GOBIZ (744-6249).
- **Photograph(s)**
 - Please provide photograph(s) on 8 ½" X 11" paper(s) which clearly 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) (plans with a gray/dark background will not be accepted). The plans must clearly illustrate:
 1. The business name and address as it appears on your retail food establishment license.
 2. The exact length(s) and width(s) of the proposed Sidewalk Café. These lengths and widths must match the dimensions indicated on your Application.
 3. Compliance with Landscaping requirements.
 - Modified landscaping requirement ensuring that the sidewalk cafe is aesthetically-pleasing and consistent with the City of Chicago's objective of developing attractive tree-lined streets, boulevards and greener neighborhoods.
 - No portion of any plant(s) comprising the landscaping shall extend over the permitted Sidewalk Café area. (All plants shall be confined within the limits of the permitted area).
 4. Compliance with Boundary requirements.
 - The boundaries of the sidewalk café shall fully enclose the permitted area from the remainder of the public way, with the exception of the entrance.
 - The boundaries of the sidewalk café 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 or less above the ground. 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.
 - The boundaries of the sidewalk cafe 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, and are more than 27 and less than 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.
 - 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 are not limited to, parking meters, fire hydrants, newspaper stands, boxes and other items that must be accessible to the public or to the City for emergency services.
 - If there are any sidewalk grates or vents within the proposed area of the Sidewalk Café, such grates or vents need to be identified on the submitted plan and must be shown on the plan as part of the required clearance. Sidewalk Café barriers, tables, benches or chairs are not allowed to be placed on grates or vents.
 - Protective coverings must be freestanding, with all sides open without protective coverings. Such freestanding protective coverings shall not be bolted or affixed to the barrier or to the sidewalk and must stay within the boundary limits identified on the submitted plan.
 5. Compliance with Clearance requirements.
 - Sidewalk Café fences or barricades must be positioned so that at least six (6) feet separate the outer edge of the barrier from obstacles such as street signs, planters, newspaper dispensers, fire hydrants and bus shelters. Where no obstacles are present, 6 feet must separate the outer edge of the barrier from the edge

SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE – 2018 SEASON

- of the sidewalk (not including the curb) unless otherwise approved by the Department of Business Affairs and Consumer Protection.
- No portion of the Sidewalk Café can include neighboring businesses, residences, or empty lots.
- A minimum clearance of one (1) foot from the Sidewalk Café to the edge of the curb is required.
- 6. Proposed seating capacity.
 - The number of chairs depicted in the Plan shall match the proposed seating capacity for the Sidewalk Café identified in 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 as specified in the enclosed accessibility requirements. 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.
 - Seating must be structurally sound and may not be attached, anchored or suspended to the barriers, the sidewalk or any part of the sidewalk café.
- 7. Entrance location.
 - The Sidewalk Café entrance location must be at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated). ANSI § 403.5. A minimum of one (1) entrance (maximum of two (2)) per sidewalk café section is required.
- 8. Access to adjacent and neighboring building entrance(s).
 - Sample plans may be found on pages 14-16 of this Sidewalk Café Application Information Package.
 - Upon successful passage by the Chicago City Council of an Ordinance approving your Application for a Sidewalk Café Permit, you will receive a copy of the approved plan, along with your Sidewalk Café Permit, after all 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 applicable requirements will be returned to the Applicant for corrections. This will delay the processing of your Application.

Insurance Requirements

- This Application must be accompanied by proof of insurance meeting the following requirements:
 1. The Certificate of Insurance must evidence commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate, for bodily injury, personal injury and property damage liability. The City of Chicago shall be named as an additional insured on a primary non-contributory basis for any liability arising directly or indirectly from the operations of the sidewalk café; and the permittee shall indemnify, defend and hold the City harmless from any loss that results directly or indirectly from the permit's 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 as required in Section 4-60-040(c)(2) of the I Code . If alcoholic beverages will be served at a sidewalk café operated by an indoor retail market, the owner or manager of the indoor retail market shall provide proof that each retail food establishment serving alcoholic beverages at the sidewalk café has obtained liquor liability (dram shop) insurance for the sidewalk café as required in Section 4-60-040(c)(2) of the Code.
 2. The Certificate of Insurance “Description” section must clearly indicate the following:
 - The “City of Chicago, and its agents and employees, are listed as additional insured in connection with the sidewalk café.”
 - The specific public way use must be listed on the insurance policy; if the specific use is not identified on the insurance policy, the Certificate of Insurance will not be accepted.
 - Please note that the term “Certificate Holder”, as used in the Certificate of Insurance, does not mean that the City of Chicago and its agents and employees are named as additional insured. Therefore, please ensure that the Certificate of Insurance names the City of Chicago, and its agents and employees, as additional insured in conformity with Section 10-28-815 of the Code.
 - Policy endorsement page showing that the City of Chicago has been added to the Applicant's insurance policy as an additional insured pursuant to Section 10-28-815 of the Code.
 3. The issuing insurer shall provide for 30 days' prior written notice to the City of Chicago if the coverage provided for in the insurance policy is substantially changed, cancelled, allowed to lapse or not renewed.
 4. The Certificate of Insurance “Certificate Holder” section must include the following:

CITY OF CHICAGO
DEPARTMENT OF BUSINESS AFFAIRS & CONSUMER PROTECTION
121 N. LASALLE ST., RM. 805
CHICAGO, IL 60602

SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE – 2018 SEASON

5. Examples of a “Certificate of Liability Insurance” and a “Policy Endorsement” may be found on pages 12 and 13, respectively, of this Sidewalk Café Application Information Package.
6. The insured listed on the Certificate of Insurance must be the person or entity applying for the Sidewalk Café Permit.

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SIDEWALK CAFÉ APPLICATION INFORMATION PACKAGE – 2018 SEASON

SIDEWALK CAFÉ APPLICATION

Instructions: In order to facilitate the processing of your Application, please submit this 3-page Application form, in person or by any form of U.S. mail that provides proof of the date of delivery, to the Alderman in whose Ward your proposed use of the public way is located for the Alderman's signature and recommendation regarding the proposed use. Be sure to RETAIN A COPY of the submitted Application for your own records, and in cases where the Application is mailed, any proof of the date of delivery provided by the U.S. Postal Service. The Alderman has 60 days from the date the Application is received at the Alderman's Ward Office to return the completed Application to you containing the Alderman's signature and recommendation. If the Alderman does not return the completed Application to you within 60 days of its receipt at the Alderman's Ward Office, please mail or bring a copy of your Application, for appropriate processing, to: BACP Small Business Center – Public Way Use Unit, at the address identified below, together with a letter describing your Application's submission history, including relevant dates and any supporting documentation. If BACP determines that your Application is complete, accurate and in compliance with all pertinent provisions of the Municipal Code of Chicago and other applicable law, BACP will prepare and submit an ordinance to the City Council, recommending approval of the Application. You may also contact BACP at the address identified below if you wish to consider preparing and submitting, on your own behalf, an ordinance to the City Council that does not include an aldermanic recommendation. Such an ordinance will be subject to review for all applicable legal requirements. For Aldermanic Ward Office information, please go to the City of Chicago Office of the City Clerk website at: http://chicago.legistar.com/People.aspx.

Additionally, you will need to forward your Sidewalk Café Application, including plans, photos, certificate of insurance, acceptance letter, and a copy of current license certificate, to: City of Chicago Department of Business Affairs and Consumer Protection Small Business Center – Public Way Use Unit 121 N. LaSalle Street - City Hall Room 800 Chicago, IL 60602

APPLICANT INFORMATION

LEGAL NAME OF ENTITY:

BUSINESS NAME (DBA):

PERMIT MAILING ADDRESS:

CITY: STATE: ZIP CODE:

CONTACT PERSON: TITLE:

PHONE: MOBILE: E-MAIL:

DATE OF PERSONAL DELIVERY OF APPLICATION TO ALDERMANIC WARD OFFICE, IF APPLICABLE (Entered by Applicant):

DATE OF MAILING OF APPLICATION TO ALDERMANIC WARD OFFICE, IF APPLICABLE (Entered by Applicant):

Please note: To avoid delays in processing your Application, please review the above Applicant Information to ensure that it is accurate and complete. Failure to meet all requirements will also delay the processing of your Application. Please return this Application and all associated documents by mail or in person to: BACP Small Business Center – Public Way Use Unit, at the address identified in the Instructions above. No faxes will be accepted.

ALDERMAN'S RECOMMENDATION

Please note: Aldermanic recommendation for approval shall not be unreasonably withheld or withheld because of the language, content or message contained in or implied by a sign, canopy, awning, banner or marquee for which a permit is sought.

DATE OF RECEIPT OF APPLICATION AT ALDERMANIC WARD OFFICE (Entered by Alderman or Alderman's Designee at the Ward Office):

ALDERMAN'S SIGNATURE:

DATE: WARD:

Table with 2 columns: Recommendation status (Recommend In Favor, Recommend Against) and Reason(s) for the recommendation.

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APPLICATION WORKSHEET

Please enclose a plan of the proposed Sidewalk Café and its relationship to the surrounding public way. Please show the Sidewalk Café's 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	

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ACCEPTANCE OF SIDEWALK CAFÉ PERMIT TERMS

Please check **ALL** the boxes. *Failure to complete this section properly will prevent your Application from being processed.*

ACKNOWLEDGEMENTS:

- I hereby understand and accept the Terms and Conditions set forth herein relative to the issuance of the Sidewalk Café permit, and by signing below, I acknowledge that I must adhere to Sections 10-28-800 through 10-28- 875 (Article XII of Chapter 10-28) of the Municipal Code of Chicago (“Code”), the Rules for Sidewalk Cafés, and any additional requirements set forth herein:

I understand that it shall also be my duty as the permit holder, and as a condition of the permit, to:

- Upon submission of the Sidewalk Café Application, furnish proof of insurance, in the form of a Certificate of Insurance, meeting the requirements in Section 10-28-815 of the Code; and thereafter, maintain such insurance in full force and effect for the duration of the permit;
 - Upon 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);
 - Resolve all “holds” that the City has placed on my account (“account holds”) for failure to resolve outstanding debt due and owing to the City or for any other reason. Failure to do so will result in delays in processing the issuance or renewal of my Sidewalk Café Permit;
 - Install and maintain in good condition and repair the Sidewalk Café after the Sidewalk Café Permit is issued by the Commissioner of Business Affairs and Consumer Protection;
 - Install and maintain the Sidewalk Café in a manner that complies with all applicable accessibility requirements under local, State and Federal law, including but not limited to those set forth in the “Accessibility Requirements for Sidewalk Cafes in the City of Chicago” included in this Sidewalk Café Application Information Package
- I understand that failure to adhere to all conditions imposed in connection with the Sidewalk Café Permit may result in revocation of that Permit.
- I hereby attest that all information that I have submitted in connection with my Application for a Sidewalk Café true is true and accurate.

MUST BE SIGNED BY AN AUTHORIZED OWNER/OFFICER OF THE LICENSED BUSINESS ENTITY

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**

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SAMPLE CERTIFICATE OF LIABILITY INSURANCE

Required for Public Way Use Permits – Certificate of Insurance

ONLY CERTIFICATES WITH ALL THE REQUIRED INFORMATION COMPLETED EXACTLY AS INDICATED BELOW WILL BE ACCEPTED



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER AND THE CERTIFICATE HOLDER.

Date certificate is issued

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
<p>Insured name and address must match the legal name and business location address listed on the City of Chicago Public Way Use Permit Application</p>	INSURER A:	
	INSURER B:	
	INSURER C:	Insurer must be authorized to insure in Illinois
	INSURER D:	
	INSURER E:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD. WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. <input type="checkbox"/> LOC OTHER:		Provide active policy number			EACH OCCURREN' DAMAGE TO REY PREMISES (Ea of MED EXP (Any of PERSONAL & AD GENERAL AGGR PRODUCTS - CO COMBINED SING (Ea accident) BODILY INJURY (BODILY INJURY (PROPERTY DAM (Per accident)
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					EACH OCCURREN' AGGREGATE PER STATUTE E.L. EACH ACCID E.L. DISEASE - EA E.L. DISEASE - POLIC
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED. RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			

Must provide 1 year coverage - including or starting on the date of permit term

Commercial general liability insurance with limits of not less than \$500,000, per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following statement **must be included** in this "DESCRIPTION" section:
 The City of Chicago, its agents and employees are listed as additional insured in regards to ...
 (list all specific public way use(s) and location(s) here).

CERTIFICATE HOLDER CANCELLATION

<p>BACP must be listed as Additional Insured: City of Chicago Department of Business Affairs and Consumer Protection 121 N. LaSalle St., Rm. 805 Chicago, IL 60602</p>	<p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN</p> <p>Must indicate 10 days advance written notice</p> <p>AUTHORIZED REPRESENTATIVE</p> <p>Signature of Authorized Representative</p>
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SAMPLE POLICY ENDORSEMENT

Required for Public Way Use Permits – Policy Endorsement

ONLY ENDORSEMENTS WITH ALL THE REQUIRED INFORMATION COMPLETED EXACTLY AS INDICATED BELOW WILL BE ACCEPTED

POLICY NUMBER:

The same active policy number as in the Certificate of Liability Insurance

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)

BACP must be listed as Additional Insured:

*City of Chicago
Department of Business Affairs and Consumer Protection
121 N. LaSalle St., Rm. 805
Chicago, IL 60602*

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf.

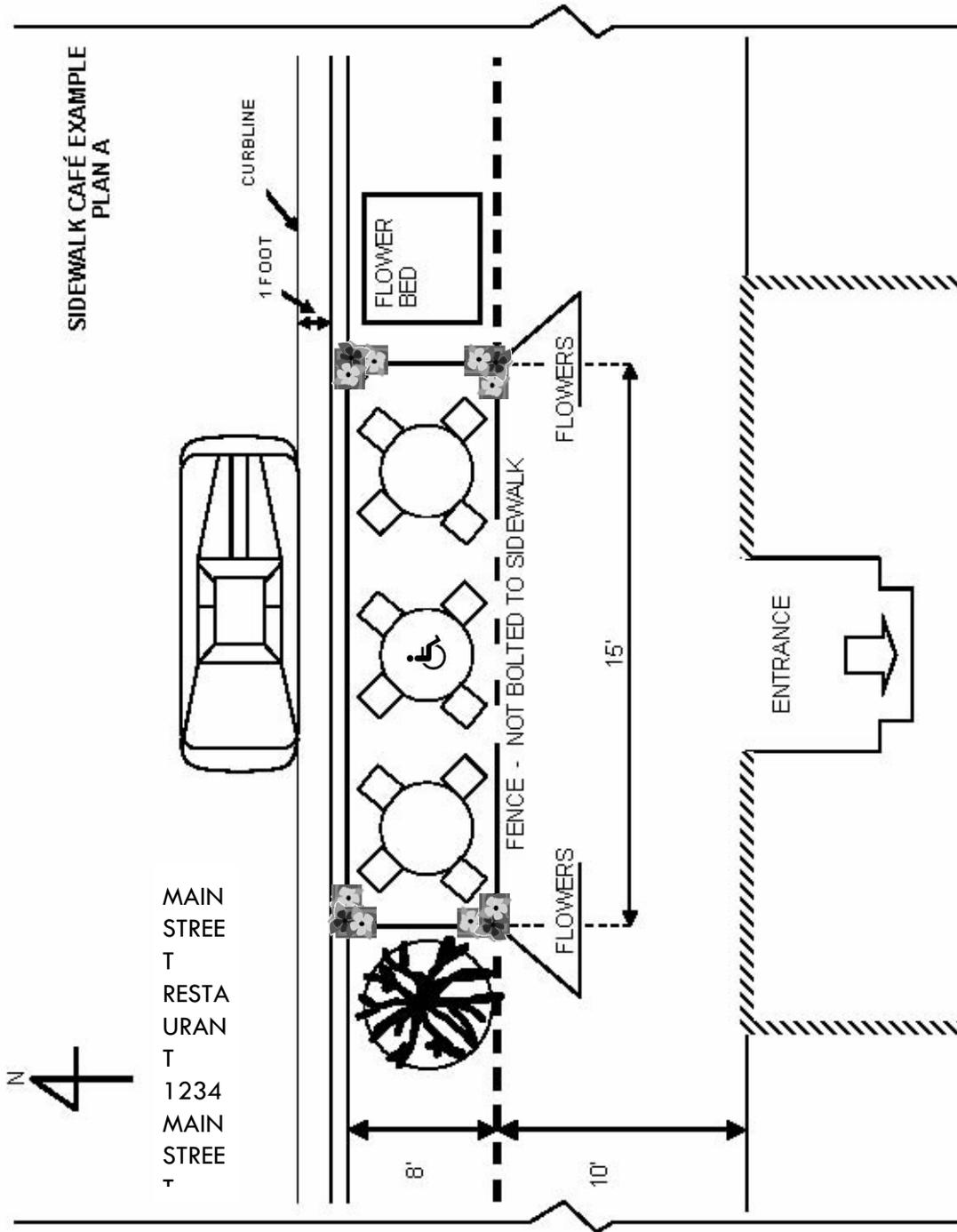
- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

CG 20 26 07 04

© ISO Properties, Inc., 2004

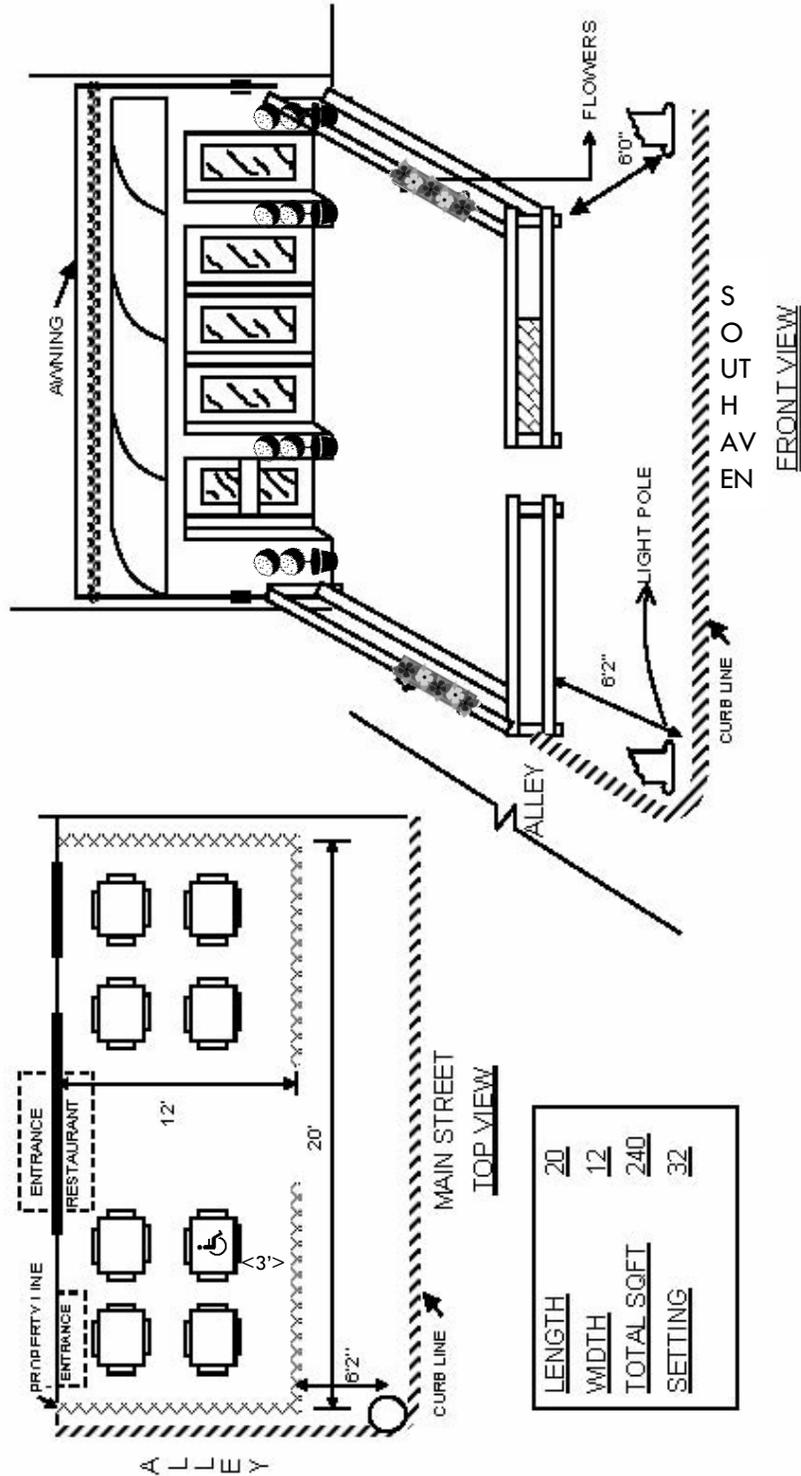


SAMPLE SIDEWALK CAFÉ SITE PLAN – A



SAMPLE SIDEWALK CAFÉ SITE PLAN – B

SIDEWALK CAFÉ EXAMPLE
PLAN B



not to scale

CITY OF CHICAGO MUNICIPAL CODE

10-28-800 Definitions.

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

(A) “Alcoholic beverages” means and includes alcohol, spirits, wine and beer.

(B) “Commissioner” means the commissioner of business affairs and consumer protection.”

(C) “Department” means 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) “Indoor retail market” means any building under common ownership or management containing a group of commercial establishments which offer a variety of retail, restaurant or service uses and in which at least two of the establishments hold a valid retail food establishment license.

(F) “Person” has the meaning ascribed to the term in Section 1-4-090(e) of the code.

(G) “Sidewalk café” means a portion of an immobile retail food establishment or an indoor retail market located on a public right-of-way, whether directly adjacent to, or in close proximity to, the retail food establishment or an indoor retail market .

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p.47220, Art. V, § 5; Amend Coun. J. 3-9-11, p. 113789, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-05, p. 44133, § 1; Amend Coun. J. 3-9-11, p. 113789, § 1)

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, or that the applicant is the owner or manager of an indoor retail market. The owner or manager of the indoor retail market is not required to obtain a retail food establishment license.

(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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

10-28-815 Insurance required.

Each applicant for a sidewalk café permit shall furnish proof 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, for bodily injury, personal

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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. Apart from and separate from any insurance requirement under this section, 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 (dramshop) insurance for the sidewalk café as required in Section 4-60-040(c)(2) of this code; provided, however, if alcoholic beverages will be served at a sidewalk café operated by an indoor retail market, the owner or manager of the indoor retail market shall provide proof that each retail food establishment serving alcoholic beverages at the sidewalk café has obtained liquor liability (dramshop) insurance for the sidewalk café as required in Section 4-60-040(c)(2) of this code.

Each sidewalk café permittee shall maintain the insurance coverage required under this section for the duration of the sidewalk café permit. Proof 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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1; Amend Coun. J. 10-28-15, p. 11951, Art. VI, § 40; Amend Coun. J. 11-16-16, p. 37901, Art. II, § 39)

10-28-820 Review of application.

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

(A) Except with regard to renewal applications governed by subsection (B), 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. Once an ordinance approving the application is effective, the commissioner shall issue the sidewalk café permit to the applicant.

(B) For purposes of this section, "renewal application" means an application for the operation of a sidewalk café at the same location and by the same person approved by the city council within the previous 12 months.

If the commissioner finds that a renewal application meets the requirements of this article and the regulations promulgated hereunder, the commissioner shall prepare an ordinance, which ordinance may include a group of renewal applications, for approval by the city council. Such approval shall not be unreasonably withheld. Once an ordinance approving the renewal application is effective, the commissioner shall issue the sidewalk café permit to the applicant.

(C) 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 or renewal application. The commissioner shall notify the unsuccessful applicant in writing of the denial and the reasons therefor within ten business days after the denial. An applicant for renewal that was subjected to, or eligible for, temporary closure as a result of violations pursuant to Section 10-28-870(D) during the prior permit period, if those violations have been finally adjudicated and sustained, shall be subject to: (i) denial of the renewal or (ii) having the renewal conditioned upon a written plan of operation or other set of conditions that the commissioner determines is necessary to ensure compliance with this Chapter. An applicant for a permit that was issued two or more notices of violation pursuant to Section 10-28-870(C) during the prior permit period, if those violations have been finally adjudicated and sustained, shall be subject to denial of the permit for the permit period applied for.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1; Amend Coun. J. 11-19-14, p. 98037, § 22; Amend Coun. J. 6-17-15, p. 1342, § 1)

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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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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

No permittee shall assign or transfer a sidewalk café permit.

(Added Coun. J. 3-15-00, p. 27687, § 4)

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. The foregoing prohibition shall not apply to an owner or manager of an indoor retail market, who is allowed to operate a sidewalk café which can be shared by multiple retail food establishments which occupy space within the indoor retail market.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

10-28-850 Alcoholic beverage service – Requirements.

If alcoholic beverages are served at the sidewalk café, the operator must be validly licensed under this code for such sales; provided, however, an owner or manager of an indoor retail market operating a sidewalk café is not required to be licensed for the sale of alcoholic beverages. If alcoholic beverages are served at a sidewalk café operated by an indoor retail market, (i) the retail food establishment selling the alcoholic beverages must be validly licensed under this code for such sales; (ii) the retail food establishment serving the alcoholic beverage must maintain its liquor liability (dramshop) insurance when serving the alcoholic beverages; and (iii) the alcoholic beverages must be served in plastic cups which shall clearly identify the retail food establishment from which each alcoholic beverage was purchased. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at sidewalk cafés.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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

All holders of a sidewalk café permit, retail food establishments selling food or alcoholic beverages in a sidewalk café operated by an owner or manager of an indoor retail market, 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 thereunder, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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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.

(D) Any sidewalk café for which a permit is in effect under this article may be temporarily closed by the commissioner or his designee, if the café has been issued notices of violation on three different days during the permit period, each of which pertains to a significant breach of public safety. Non-limiting examples include: (i) café footprint or café-related objects or equipment on property beyond plan specifications, (ii) a missing or incomplete barrier, or (iii) signs, serving tray stands or other objects in the public way. Upon being subjected to a temporary closure, the permittee may provide to the commissioner evidence that the objectionable conditions have been fully remedied. Such temporary closure shall remain in effect until the commissioner is satisfied that the violations have been properly remedied and will not reoccur.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1; Amend Coun. J. 6-17-15, p. 1342, § 1)

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 his designee 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 or subject to Section 10-28-870(D) is subject to removal from the public way by the commissioner or his designee. The provisions of Section 10-28-010(i) 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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1; Amend Coun. J. 11-8-12, p. 38872, § 190; Amend Coun. J. 6-17-15, p. 1342, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1)

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.

(Added Coun. J. 3-15-00, p. 27687, § 4)

ACCESSIBILITY REQUIREMENTS FOR SIDEWALK CAFES IN THE CITY OF CHICAGO

All sidewalk cafés operating in the City of Chicago must comply with the following City of Chicago accessibility requirements. Restaurant owners and operators must also comply with numerous additional City, State and Federal accessibility 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 obstacles such as street signs, planters, newspaper dispensers, fire hydrants and bus shelters. Where no obstacles are present, 6 feet must separate other edge of the barrier from 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 that protrude more than 4 inches and are more than 27 and less than 80 inches above the ground 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 or less above ground. 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

Accessible routes must connect accessible sidewalk café tables with at least one restaurant entrance that provides access to restrooms and, where available, public telephones. In addition, if the Sidewalk Café can be entered from the sidewalk, an accessible route must be provided from at least one sidewalk entrance to the accessible sidewalk café tables.

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.

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- 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 unless a cane detectable barrier less than 27 inches above the ground is provided. CBC § 18-11-1104.6.1

SERVICE ANIMALS

Service animals are animals trained to perform tasks for people with disabilities. These include but are not limited to guide dogs used by people who are blind or have visual impairments, hearing dogs used by people who are deaf or hard of hearing, seizure alert dogs used by people with epilepsy and other disabilities that cause seizures and dogs that assist people with mobility impairments. In Chicago, dogs are the only animals permitted to act as service animals in places of public accommodation like restaurants. 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
Small Business Center - Public Way Use Unit, City Hall, Room 800
121 North LaSalle Street, Chicago, Illinois 60602
 - b. Alderman's Recommendation

Application should have prior recommendation of the Alderman of the Ward within which the Sidewalk Café will be located. Such recommendation shall not be unreasonably withheld.
 - 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 include 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 an insurance certificate and policy endorsement page showing that the City of Chicago has been added to the applicant's insurance policy as an additional insured pursuant to 10-28-815:

10-28-815 Insurance required.

Each applicant for a sidewalk café permit shall furnish proof 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, for bodily injury, personal injury and property

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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 non-contributory basis for any liability arising directly or indirectly from the operations of a sidewalk café. Apart from and separate from any insurance requirements under this section 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 (dramshop) insurance for the sidewalk café as required in Section 4-60-040(c)(2) of this code; provided, however, if alcoholic beverages will be served at a sidewalk café operated by an indoor retail market, the owner or manager of the indoor retail market shall provide proof that each retail food establishment serving alcoholic beverages at the sidewalk café has obtained liquor liability (dramshop) insurance for the sidewalk café as required in Section 4-60-040(c)(2) of this code.

Each sidewalk café permittee shall maintain the insurance coverage required under this section for the duration of the sidewalk café permit. Proof 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.

(Added Coun. J. 3-15-00, p. 27687, § 4; Amend Coun. J. 3-9-11, p. 113789, § 1; Amend Coun. J. 10-28-15, p11951, Art. VI, §40; Amend Coun. J. 11-16-16, p. 37901, Art. II, §39)

Certificates of insurance shall be renewed at least 30 days prior to the expiration of the policy. If the licensed establishment has an address range on their City of Chicago licenses, the Certificate of Insurance must match the range on the licenses.

If alcoholic beverages will be served at a sidewalk café operated by an indoor retail market, the owner or manager of the indoor retail market shall provide proof that each retail food establishment serving alcoholic beverages at the sidewalk café has obtained liquor liability (dram shop) insurance for the sidewalk café.

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 licensed retail food establishment 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. Seating must be structurally sound and may not be attached, anchored or suspended to the barriers, the sidewalk or any part of the sidewalk café. 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

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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 633 of the Liquor Control Act of 1934, added by P.A. 941047, effective January 1, 2007, and codified at 235 I.L.C.S. 5/6-33, as amended.

If alcoholic beverages are served at a sidewalk café operated by an indoor retail market:

- i. the retail food establishment selling the alcoholic beverages must be validly licensed under the code for such sales;
- ii. the retail food establishment serving the alcoholic beverage has maintained its liquor liability (dramshop) insurance when serving the alcoholic beverage; and
- iii. the alcoholic beverages must be served in plastic cups which shall clearly identify the retail food establishment from which each alcoholic beverage was purchased.

Also, BYOB (Bring Your Own Bottle of liquor) is not allowed in a Sidewalk Café.

d. Beautification and Landscaping

The Sidewalk Café applicant should prepare a beautification and landscaping plan for the railing, barriers, and seating arrangement that is consistent with the City of Chicago's objective of developing attractive tree-lined streets, aesthetically-pleasing boulevards, and greener neighborhoods that contribute to the dynamism and diversity of Chicago.

All planter boxes, plant material, and beautification artifacts within shall be maintained throughout the entire time the Sidewalk Café is present on the public way. Planter boxes, plant material, and beautification artifacts shall not extend over the permitted seating area, shall not interfere with the accessible route provided for people with disabilities, and will not protrude more than 4 inches into any circulation path at a height 27 – 80 inches above the ground.

Any exceptions to an approved beautification and landscaping plan must be approved by the Commissioner of Business Affairs and Consumer Protection.

e. Boundary and Clearance

Boundary shall enclose the permitted area from the remainder of the public way, and be maintained in accordance with the approved plan. The boundary shall be no less than 24 inches or more than 36 inches in height and shall include cane detectable barriers located 27 inches or less above the ground. 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 may have movable sections to aid in public access to seating as long as the boundary complies with the submitted plan. 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 Sidewalk Café 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.

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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 kept clean, 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

Service Animals are not pets and are allowed within all Sidewalk Cafés. Dogs that are not service animals are allowed in all Sidewalk Cafes that are accessible from the street. The former Retail Food Establishment-Supplemental License for Dog-Friendly Areas has been eliminated but the rules that govern this activity are still in effect under the Municipal Code of the City of Chicago 4-8-031, excerpted below:

- The Sidewalk Café operator may designate a dog-friendly area within the Sidewalk Café but may not require that people accompanied by dogs acting as service animals use that area;
 - Dogs, other than service animals, shall not be permitted to be in or travel through any indoor portion of the retail food establishment, or in any area where food is prepared;
 - Permittees have the right to have the owner of any dog, including dogs acting as service animals remove the dog from the premises, if the dog is not housebroken, if the owner of the dog fails to exercise reasonable control over the dog, or if the dog behaves in a manner that compromises or threatens the health or safety of restaurant patrons or staff;
 - Dogs, other than service animals, must bear a current rabies vaccination tag or a City of Chicago license;
 - In the event any patron's dog bites or attacks a person while on the sidewalk cafe's premises, the licensee shall immediately notify 311;
 - Sidewalk Café employee's shall not have contact with the dogs. If any employee has contact with a dog or a surface touched by a dog, the employee shall immediately wash his/her hands before continuing with any food service work.
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- 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.

If the applicant is the owner or manager of an indoor retail market, then the owner or manager of the indoor retail market is not required to obtain a retail food establishment license.

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.

V. Indoor Retail Market Sidewalk Café

- a. Additional Application Requirements
Indoor Retail Markets must list all participating Retail Food Establishments at the time of application.

All listed restaurants must have a current Retail Food Establishment license.
- b. Changes to participants in the Retail Market
If there are any changes, with regard to participating restaurants, the Indoor Retail Market must notify the Public Way Use Unit, of the Department of Business Affairs and Consumer Protection, immediately.
- c. Insurance
Insurance shall be provided by the Indoor Retail Market, for the sidewalk café, to indemnify the City.

All Indoor Retail Market participants serving liquor must provide dramshop insurance.

IMPORTANT NOTICE

Do I Need a Public Way Use Permit (Grant of Privilege)?

Chicago's streets, sidewalks, alleys and parkways are part of the "public way." In order for a business or property owner to occupy, use or otherwise encroach over, on or under the public way, a Public Way Use Permit ("Grant of Privilege") or other specialized Permit is required under Chapter 10-28 of the Municipal Code of Chicago ("Code").

Common Types of Public Way Uses

Canopies, light fixtures, awnings, signs, planters, bollards, bay windows, balconies, vaults, tunnels, bridges, and other structures or items that encroach over, on or under the public way require a Public Way Use Permit issued by the Department of Business Affairs and Consumer Protection (with the exception of newspaper stands; pay telephones; obstructions for construction and building maintenance purposes within the meaning of Articles V-A, V-B and V-C of Chapter 10-28 of the Code; lawn sprinkling systems in public parkways; advertising benches; and other uses of the public way permitted by the Chicago Department of Transportation). Public Way Use Permits are issued for a five-year term and must be renewed prior to the permit's expiration date. . Permittees will be billed for this permit each year and may be required to resubmit proof of commercial general liability insurance at that time.

Sidewalk Cafés require a Sidewalk Café permit. This permit has a 9 month term. The Sidewalk Café season begins on March 1 and ends on December 1 of the applicable calendar year. A new Sidewalk Café Permit Application must be submitted each year. **Please note:** Persons seeking a Sidewalk Café Permit must hold a valid retail food license under Chapter 4-8 of the Code. A valid liquor license under Chapter 4-60 of the Code is required for the sale of alcoholic beverages at a permitted sidewalk café (unless the exception for sidewalk cafés operated by an indoor retail market, as set forth in Section 10-28-850 of the Code, applies). BYOB is not permitted on the public way.

Enforcement of Public Way Use Violations

In addition to any other penalty provided by law, any person who encroaches over, on or under the public way without first having obtained the required permit will be subject to a removal order and to daily fines. All city debt must be resolved prior to the issuance or renewal of a Public Way Use Permit or Sidewalk Café Permit.

How to Apply for a Public Way Use Permit

Applications for a Public Way Use Permit ("Grant of Privilege") or Sidewalk Café Permit may be obtained at your Alderman's office; at BACP's website at: www.cityofchicago.org/sbc (click on the "Public Way Use Permits" link in the "SBC RESOURCES" section); at BACP's Small Business Center in City Hall - Room 800, or by calling 312-74-GOBIZ