



**NOTICE OF SPECIAL MEETING  
OF THE CITY COUNCIL OF THE CITY OF GENEVA**

**AGENDA**

Meeting Link:

<https://attendee.gotowebinar.com/register/4840240824915402255>

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Geneva shall conduct a special meeting on Monday, June 27, 2022 at 7pm. The special meeting will be held City Hall Council Chamber, 109 James Street, Geneva, Illinois for the purpose of considering the following items:

- 1. CALL TO ORDER: ROLL CALL**
- 2. ITEMS OF BUSINESS**
  - a. Consider Approval of Ordinance No. 2022-28 Amending Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), Section 4-2-13 Adding One Class C-3 Liquor License for Chi-Cutiere Boards and More LLC Located at 321 Franklin St.
  - b. Consider Approval of Ordinance No. 2022-29 Amending Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), and Chapter 6 (Food and Food Establishments), Article A (Sidewalk Cafés) of the Geneva City Code.
  - c. Consider Approval of Resolution No. 2022-54 Authorizing Execution of a License Agreement with The Little Traveler at 404 S. Third Street To Remove Time Restrictions for Certain On-Street Parking Spaces.
- 3. PUBLIC COMMENT/NEW BUSINESS**
- 4. ADJOURNMENT**

All interested persons are invited to attend the City Council special meeting.

A handwritten signature in black ink that reads "Wicki Kellick". The signature is written in a cursive style.

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City Clerk

This notice has been posted at City Hall City of Geneva, 22 South First Street, Geneva, Illinois on June 23, 2022 and has been tendered to members of the media requesting notices of public meetings.



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item:	Recommend Ordinance Amending Title 4, Chapter 2, Section 4-2-13 (License Fees and Number of Licenses) Adding One Class C-3 Liquor License (Certain Taverns and Restaurants) for Chi-Chuterie Boards and More located at 321 Franklin Street, Geneva, Illinois.		
Presenter & Title:	Jeanne Fornari, Executive Assistant		
Date:	June 27, 2022		
<b><i>Please Check Appropriate Box:</i></b>			
<input type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input checked="" type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EV: III			
Estimated Cost: \$		Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
<b>Executive Summary:</b>			
An application for a Class C-3 liquor license has been submitted by Chi-Cuterie Boards & More LLC. The Police Dept. has completed all necessary investigations on the applicant. The Liquor Commissioner recommends approval as presented.			
<b>Attachments:</b> <i>(please list)</i>			
Ordinance			
<b>Voting Requirements:</b>			
<i>This motion requires a simple majority of votes for passage.</i>			
<i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie votes; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i>			
<b>Recommendation / Suggested Action:</b> <i>(how item should be listed on agenda)</i>			
Recommend Approval of an Ordinance Adding One (1) Class C-3 Liquor License (Certain Taverns and Restaurants) for Chi-Cuterie Boards & More LLC located at 321 Franklin Street, Geneva, Illinois.			

**ORDINANCE NO. 2022-28**

**AN ORDINANCE AMENDING TITLE 4  
(BUSINESS AND LICENSE REGULATION),  
CHAPTER 2 (LIQUOR CONTROL),  
SECTION 4-2-13 {LICENSE FEES AND NUMBER}  
OF THE GENEVA CITY CODE**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA,  
KANE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** That Section 4-2-13 {License Fees and Number} of Chapter 2 (Liquor Control) of Title 4 (Business and License Regulation) of the Geneva City Code, be and the same is hereby amended by adding one license to said Section:

<u>Class</u>	<u>First Year</u>	<u>Fee Thereafter</u>	<u>No. of Licenses Authorized</u>
C-3	\$3,300	\$2,200	-7-

**SECTION 2.** That Chapter 4 of said Code, as heretofore and hereinabove amended, shall otherwise remain in full force and effect.

**SECTION 3.** That this ordinance shall become effective from and after its adoption as provided by law. Publication of this ordinance is hereby approved to be in pamphlet form.

**PASSED** by the City Council of the City of Geneva, Illinois this 27th day of June, 2022.

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent: \_\_\_\_ Abstaining: \_\_\_\_ Holding Office: \_\_\_\_

**APPROVED** by me as Mayor of the City of Geneva, Illinois, this 27th day of June, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item:	Ordinance Creating A Sidewalk Café Liquor License Classification and Amending Sidewalk Café Without Liquor Consumption Permit Regulations		
Presenter & Title:	Cathleen Tymoszenko, Economic Development Director		
Date:	June 20, 2022		
<b><i>Please Check Appropriate Box:</i></b>			
<input type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EV-III			
Estimated Cost: \$ N/A	Budgeted?	Yes	Other Yes
		No	Funding? No
<i>If "Other Funding," please explain how the item will be funded:</i>			
<b>Executive Summary:</b>			
<p>The Geneva City Code currently provides for Sidewalk Cafés on public property (via the issuance of a permit), but prohibits the service of alcoholic liquors at these cafés. At a Special Committee of the Whole meeting on June 13, 2022 the City Council discussed the potential of allowing sidewalk cafés located on public property the ability to serve alcoholic liquors via a license.</p> <p>In accordance with direction received, an Ordinance to amend the City Code to add a liquor license classification to allow consumption of alcoholic liquor beverages on public property sidewalk cafés and to amend the permit regulations for sidewalk cafés without liquor consumption is presented herein. These changes synchronize regulations for sidewalk cafés with or without liquor to modernize regulations and to incorporate some lessons learned over the past two seasons with COVID relaxations. In summary, the amendment defines width for pedestrian clearance and clearly defines what can and cannot be placed in the licensed or permitted areas.</p>			
<b>Attachments:</b> <i>(please list)</i>			
<ul style="list-style-type: none"> <li>• Tracked document</li> <li>• Ordinance No. 2022-29</li> </ul>			
<b>Voting Requirements:</b>			
<p><i>This motion requires a simple majority of affirmative votes for passage (including the Mayor).</i></p> <p><i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i></p>			
<b>Recommendation / Suggested Action:</b> <i>(how the item should be listed on agenda)</i>			
<p>Recommend Approval of an Ordinance Amending Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), and Chapter 6 (Food and Food Establishments), Article A (Sidewalk Cafés) of the Geneva City Code.</p>			

**TITLE 4 - BUSINESS AND LICENSE REGULATIONS**  
**CHAPTER 2 – LIQUOR CONTROL**

**4-2-1: DEFINITIONS:**

All words and phrases used in this chapter and not otherwise defined herein, which are defined in the Liquor Control Act of 1934, approved January 31, 1934, as amended (235 ILCS 5/1-1 et seq.) ("Liquor Control Act"), shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

ALCOHOL:	The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.
ALCOHOLIC BEVERAGE:	The product of distillation of any fermented liquor.
ALCOHOLIC LIQUOR:	Alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this chapter shall not apply to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.
APPLICANT:	Individuals, partnerships, corporations, limited liability companies or representatives of such organizations.
BAR (FULL SERVICE):	A counter, within the premises, at which alcoholic drinks may be mixed, drawn, poured and served to customers. A full service bar may have seats or stools or other places for patrons to sit or stand while drinking alcoholic beverages. Patrons may be served from a full service bar. A full service bar may be located indoors or outdoors but shall be upon the licensed premises.
BARRIER:	Sectional fencing, rope/chain, rails with post/stanchions, planters, walls, or natural barriers such as hedges or shrubs, or other partitions approved by the city, used to define outdoor seating areas that serve alcoholic beverages.
BEER:	A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
CATER OR CATERING:	A person, corporation, partnership, limited liability company or other business entity which services alcoholic liquor for consumption as an

	incidental part of food and beverage service that serves meals off site of a licensed premises or a restaurant.
CLUB:	A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sales or consumption of alcoholic liquors, which conforms to the definition of a "club" in the Illinois Liquor Control Act of 1934, as amended (235 ILCS 5/1-3.24).
CRAFT DISTILLER:	A person who manufactures alcoholic liquor in quantities not greater than thirty-five thousand (35,000) gallons per calendar year or such quantities as may be permitted under the Illinois Liquor Control Act, as amended from time to time.
FOOD:	Any edible substance.
HOTEL OR MOTEL OR BED AND BREAKFAST:	Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which rooms are used for the sleeping accommodations of such guests.
LIVE ENTERTAINMENT:	The playing of live music by a person or persons using string, brass, reed, woodwind, percussion, electronic or digital instruments not to exceed a volume as provided for in the City of Geneva Code of Ordinances, and performances by individuals and/or groups which may involve acting, singing, dancing, comedy and/or the recital of poetry. Live entertainment may be permitted as provided in this chapter.
MEAL:	Food that is prepared and served on the licensed premises and excludes the serving of snacks, such as "finger foods."
<u>OUTDOOR SEATING AREA</u>	<u>A privately owned outdoor location within the licensed premises for consumption on the premises, excluding any private parking area, where alcoholic liquor may be sold and consumed.</u>
PERMIT (LICENSE) YEAR:	One-year period commencing on May 1 and ending on April 30.
PREMISES:	The place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are streets, parking areas and grounds adjacent to any such place or location where alcohol is not served on

	a regular and on-going basis. Premise refers to the geographic location where alcohol is permitted to be consumed or sold as depicted and approved on a drawing or diagram which is submitted at the time of application for a liquor license.
PRIVATE FUNCTION:	A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.
PUBLIC ACCOMMODATION:	A refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public.
RESORT HOTEL OR RESORT MOTEL:	A hotel or motel, as described above, which provides amenities such as golfing and swimming.
RESTAURANT:	Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are regularly served, without sleeping accommodations, such space being provided with adequate sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on the premises to be licensed as a restaurant shall be the service of meals.
RESTAURANT AND TAVERN:	Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are regularly served, without sleeping accommodations, such space being provided with adequate sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The intent of this definition is that the primary business conducted on the premises to be licensed as a restaurant and tavern shall be the service of meals.
SALE:	Any transfer, exchange or barter in any manner, or by any means whatsoever, including all sales made by any person, whether principal, proprietor, agent, servant or employee.
SELL AT RETAIL (RETAIL SALES)	Sales for use or consumption and not for resale in any form. "To sell" includes to keep or expose for sale and to keep with intent to sell.

AND SALE AT RETAIL:	
SERVICE BAR:	A permanent or portable bar which contains alcoholic liquor, mixes and related paraphernalia that may be used in the preparation of alcoholic drinks but does not and shall not have seats or stools or other places for persons to sit or stand while drinking alcoholic beverages. A service bar is a restricted bar solely to be used for the preparation and disbursement of drinks at the food service table or other locations away from the bar. Waitpersons may pick up alcoholic beverages for delivery to food service tables or other locations away from the bar. Patrons shall not be served from a service bar. A service bar may be located indoors or outdoors but shall be upon the licensed premises.
<u>SIDEWALK CAFÉ</u>	<u>A publicly owned outdoor location within the licensed premises for consumption on the premises, excluding any parking area, where alcoholic liquor may be sold and consumed.</u>
SPECIAL EVENT (as it pertains to liquor licenses):	An event conducted by an educational, fraternal, political, civic, religious or non-profit organization.
SPIRITS:	Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.
TAVERN, BAR OR SALOON:	Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food service.
TEMPORARY FENCING:	Plastic construction fence, snow fencing, or other materials or styles as approved by the city (temporary fencing is allowed for special events only).
TO SELL:	To keep or expose for sale and to keep with intent to sell.
WINE:	Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits; provided that the alcohol content thereof does not exceed twenty-four percent (24%) of the alcohol by volume.
WINE TASTING:	A supervised presentation of wine, in accordance with the rules and regulations of the Illinois State Liquor Commission to the public for



	the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof.
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#### 4-2-12: ~~OUTDOOR SEATING LICENSING~~:

~~Notwithstanding any other provision of this Code, it shall be unlawful for any liquor licensee to serve alcoholic liquor at an outdoor seating area without first obtaining a license, as provided herein.~~

##### A. ~~OUTDOOR SEATING LICENSE~~:

~~A.—Notwithstanding any other provision of this Code, it shall be unlawful for any liquor licensee to serve alcoholic liquor at an outdoor seating area without first obtaining a license, as provided herein.~~

1. ~~B.~~—An "outside seating area" means a privately owned outdoor location within the licensed premises for consumption on the premises, excluding any private parking area, where alcoholic liquor may be sold and consumed subject to the provisions governing outdoor seating licenses herein.
  - a. ~~1.~~—Such outdoor seating area may be allowed within certain Class B, C, D, or G licensed premises, as defined in this chapter, subject to the following conditions: Any outdoor area where alcohol is sold or consumed shall be enclosed or cordoned off by use of a fence or barrier which shall be not less than thirty-six (36) inches in height nor more than seventy-two (72) inches in height, and proved with required, unobstructed exits as prescribed herein and by the fire prevention code under the City Code. Such outdoor seating area shall be clearly designated with a permanent or semi-permanent fence and/or barrier consistent with the existing zoning and building ordinances of the City Code and as approved by the city.
  - b. ~~2.~~—The location of any outdoor seating area shall comply with all setback requirements in the applicable zoning district, shall not obstruct pedestrian or vehicular traffic and shall comply with all existing provisions of the City Code (adopted building, zoning and fire codes).
  - c. ~~3.~~—The authorized hours of operation of any outdoor seating area shall be the same as the permitted operating hours of the licensed premises.
  - d. ~~4.~~—A certified BASSET trained employee shall be responsible for the service of alcohol at the outdoor seating area.
2. ~~C.~~—An application is required for all outdoor seating licenses which shall include a detailed site plan showing all existing buildings, structures, fence or barrier openings, and objects on the property sought to be licensed, and the proposed location of each item to be placed within the outdoor seating area including, but not limited to, permanent or semi-permanent fences and/or barriers of a minimum of thirty-six (36) inches tall and a maximum of seventy-two (72) inches tall consistent with building and zoning provisions in this City Code. Partitions, chairs, tables, lighting, serving stations and other amenities included in the outdoor seating area shall be approved by the city. The outdoor seating area shall be maintained in compliance with the approved site plan.

3. ~~D.~~—An inspection of the outdoor seating area shall be made by the city prior to the issuance of an outdoor seating license. Inspections may include, but are not limited to, inspections by the building department, police department and fire department prior to issuance of the license.
4. ~~E.~~—The outdoor seating area shall be in compliance with all requirements of this City Code and all other applicable rules and regulations regarding the outdoor seating area.
5. ~~F.~~—Standards for Outdoor Liquor License Seating Area:
  - a. ~~1.~~—The total number of outdoor tables and seats shall not exceed the licensee's approved seating diagram as submitted in its application, and is dependent on the amount of space available and on the applicable building and fire regulations under the City Code.
  - b. ~~2.~~—In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:
    - i. ~~i.~~—A space at least thirty-six (36) inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
  - c. ~~3.~~—Barrier Designs. A variety of styles and designs are permissible for outdoor liquor license areas.
    - i. ~~i.~~—Sectional Fencing: sectional fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor seating areas using barriers. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum steel, iron, or similar) or of wood or composite construction.
    - ii. ~~ii.~~—Rope or Chain Rails: Rope or chain-type barriers (generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions) are permitted if they meet the following guidelines:
      - Rope/Chain Diameter: The rope or chain must have a minimum diameter of one (1) inch, in order to be identifiable by the visually impaired.
      - Posts: Vertical support posts (stanchions, bollards, etc.) must be constructed of wood, metal (aluminum, steel, iron, or similar), or composite materials.
      - Stanchion Base Must Not be a Tripping Hazard: If a stanchion or other vertical supporting device is attached to a base, that base must be adequate to support the station as approved by the city. No domed stanchion bases are permitted.
    - iii. ~~iii.~~—Freestanding or Attached: Any barrier may be freestanding without any permanent or temporary attachments to buildings, sidewalks, or other infrastructure or may be attached to a building.

- iv ~~iv.~~—Planters: Planters may be used in addition to or in place of other barrier designs. Planters and the plants contained within them must meet the following requirements:
  - Maximum Height of Planters: Planters may not exceed a height of thirty-six (36) inches above the ground. (~~this~~This pertains to the planter only, not the plants contained therein).
  - Maximum Height of Plants: Plants (or seasonal displays of natural landscape material) may not exceed a height of seventy-two (72) inches above the level of the ground.
  - Planter Material: All planters must have plants (live, artificial, or seasonal) contained within them. If the live plants within the planter die, the plants must be replaced or the planter removed. Empty planters with only dirt, mulch, straw, woodchips or similar material are not permitted.
- v ~~v.~~—Natural Barriers: Barriers may be natural in design such as a hedge, shrub or other plant materials approved by the city.
- d. ~~4.~~—Prohibited Barrier Styles.
  - i ~~i.~~—Fabric Inserts: Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier.
  - ii ~~ii.~~—Chain-link and Other Fencing: The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited for the outdoor seating license. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to such items as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) are not permitted and may not be used as components of a barrier.
- e. ~~5.~~—Barrier Measurements. To ensure their effectiveness as pedestrian control devices and identifiable to persons with visual impairments, barriers must meet the following measurement guidelines:
  - i ~~i.~~—Height: The minimum height for barrier designs is thirty-six (36) inches from the ground and maximum of seventy-two (72) inches with the exception of planters. However, planters may not exceed a height of thirty-six (36) inches above the ground. (This pertains to the planter only, not the plants contained therein.)
  - ii ~~ii.~~—"Open" Appearance: Fences or other perimeter enclosures with a height of between thirty-six (36) inches and fifty (50) inches and must be at least fifty percent (50%) open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over fifty (50) inches must be at least eighty percent (80%) open (see-through). Variances of the open appearance requirement will be granted for those outdoor seating licenses that have been issued and are currently on file with the city as of May 1, 2015.
  - iii ~~iii.~~—Maximum Distance from Ground: All barriers must be identifiable to visually impaired pedestrians. Therefore the bottom of barriers must be no greater than seventy-two (72) inches above the sidewalk surface.

- f. ~~6.~~ Access Openings.
    - i. ~~i.~~ Minimum Access Width: Any access opening within the barrier must measure no less than thirty-six (36) inches in width.
    - ii. ~~ii.~~ Location: Access openings should be placed in a location that will not create confusion for visually impaired pedestrians and as approved by the fire department.
  - g. ~~7.~~ The outside dining area must be kept sanitary, neat and clean at all times and in compliance with the Kane County Health Department.
  - h. ~~8.~~ The dining area must have adequate illumination during evening hours.
6. ~~G.~~ The issued license shall be posted in a conspicuous place inside the licensed premises.
7. ~~H.~~ All such sales and distribution of alcoholic liquor shall in all respects be in conformance with the class of license held by the liquor licensee.

#### B. SIDEWALK CAFÉ LICENSE:

1. A sidewalk café means a public area within a licensed premises, excluding any parkway or parking area, where alcoholic liquor may be sold and consumed on premise subject to the provisions governing sidewalk café licenses herein.
- a. Such sidewalk cafés may be allowed within certain Class B, C, D, or G licensed premises as defined in this chapter.
  - b. Sidewalk cafés shall be confined to an area immediately adjacent to the building wall and must not extend into the pedestrian clearance area.
    - i. Items shall be placed so that a four foot (4') wide unobstructed pedestrian walkway is maintained at all times; clearances will be maintained when any chair is pulled out from a table, particularly where chair backs face the street or pedestrian walkway.
    - ii. A five foot (5') clear zone shall be maintained at corner locations of two public sidewalks. No item shall be placed within five feet (5') of the corner of the building on either side.
    - iii. Items shall be immediately adjacent to the building and shall not extend beyond the licensee's storefront on any side.
    - iv. Items shall not obstruct normal ingress and egress from the business or from other businesses.
  - c. Furnishings for sidewalk cafés shall consist solely of moveable, tables, chairs and decorative accessories.
    - i. Tables may only seat a maximum of two guests; the table may not be used to serve parties greater than two guests at any given time.
    - ii. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.

- iii Umbrellas, outdoor heaters, busing stations, trash receptacles, and food preparation stations are not permitted in the sidewalk café area at any time.
    - iv All tables, chairs and other decorative accessories must be constructed and set up in such a manner as to be easily removed within the sidewalk café if necessary.
  - d. The authorized hours of operation of any outdoor seating area shall be the same as the permitted operating hours of the licensed premises.
  - e. A certified BASSET trained employee shall be responsible for the service of alcohol at the outdoor seating area.
- 2. An application is required for all sidewalk café licenses. Applications must include:
  - a. A dimensioned plan drawn to scale and done in a professional manner showing the sidewalk and all public improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building, and the proposed location of all café furniture, furniture described by height, color and type of materials, to be placed on the sidewalk.
  - b. A Certificate of insurance naming the city as an additional insured with a minimum coverage of one million dollars (\$1,000,000.00).
  - c. A signed indemnification statement on form provided by city.
- 3. The sidewalk café shall be in compliance with all requirements of this City Code and all other applicable rules and regulations regarding the sidewalk café area.
- 4. An inspection of the property to document existing conditions of public improvements shall be performed by the city prior to issuance of a license. Applications should be filed at least two weeks prior to scheduled use to allow sufficient time for such inspection.
- 5. All license holders shall be subject to the following regulations:
  - a. Items on the sidewalk shall at all times be placed in accordance with the approved plan.
  - b. The sidewalk shall be kept clean and free of refuse and clutter at all times by the licensee regardless of the source of such refuse and clutter including but not limited to, overflowing trash receptacles (private or public), cigarette and paper refuse.
  - c. All public improvements on the sidewalk including, but not limited to, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the license, excluding normal wear and tear. Licensee shall immediately report any damage to such improvements to the director of public works or designee. The city shall repair or replace such improvement at its discretion and shall charge the cost of repair or replacement to the licensee unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk café license.
  - d. Operations of the sidewalk café shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
  - e. The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

C. OUTDOOR LICENSING FEE:

The annual fee for outdoor seating area and/or sidewalk café license shall be two hundred dollars (\$200.00). This fee is in addition to any primary liquor license fee. Licensees with both an outdoor seating area and a sidewalk café shall only pay the outdoor licensing fee one time annually.

**4-2-13: LICENSE FEES AND NUMBER OF LICENSES:**

A. Fees Established: The fees for the various classes of local liquor and the number of local liquor licenses authorized in this chapter shall be as follows:

<u>License Classification</u>	<u>Description</u>	<u>Number Authorized</u>	<u>Initial License Fee</u>	<u>Annual Renewal Fee</u>
<u>Outdoor Seating and Sidewalk Café Licenses</u>	<u>Seasonal outdoor seating license</u>	<u>No limit</u>	<u>\$200.00</u>	<u>\$200.00</u>

**TITLE 4 - BUSINESS AND LICENSE REGULATIONS  
CHAPTER 6 - FOOD AND FOOD ESTABLISHMENTS  
ARTICLE A. SIDEWALK CAFES**

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**ARTICLE A. SIDEWALK CAFES WITHOUT LIQUOR SERVICE**

SECTION:

**4-6A-1: PERMIT REQUIRED; APPLICATION AND FEE:**

- A. Permit Required: Notwithstanding any other provision in this code, it is unlawful for any person to use the public sidewalk for any commercial purpose of any kind without obtaining a permit or a license. Permits will be issued only to licensed restaurant businesses and owning or leasing property immediately adjacent to the sidewalk. ~~Such permits may be purchased at any time during a calendar year but all permits shall expire on December 31 of the same calendar year.~~ No permit shall be issued to any business which is not in compliance with all provisions of this code. Businesses seeking to serve alcoholic liquors on the public sidewalk require a license pursuant to 4-2-12 of this Code.
- B. Application: All applicants for sidewalk cafe permits must complete an application in a form approved by the city and submitted to the building commissioner. All applications shall include the following information:
1. A dimensioned plan drawn to scale and done in a professional manner showing the sidewalk and all public improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building, and the proposed location of all care furniture, furniture described by height, color and type of materials, to be placed on the sidewalk.
  2. Certificate of insurance naming the city as an additional insured with a minimum coverage of five hundred thousand dollars (\$500,000.00).
  3. A signed indemnification statement on a form provided by the city.
  4. ~~Furniture items (sometimes referred to herein as "items") may include the following: tables, chairs, benches, trash receptacles, ashtrays, planters or other articles of a character, nature, material and color conducive to an attractive outdoor care atmosphere as determined by the building commissioner. An application denied by the building commissioner may be appealed to the city council. (1975 Code § 18-182)~~ Furnishing of sidewalk cafés shall consist solely of moveable, tables, chairs and decorative accessories. Tables may only seat a maximum of two guests; the table may not be used to serve parties greater than two guests at any given time. Furnishing must be kept in a state of good repair and in a clean and safe condition at all times.
  5. Umbrellas, outdoor heaters, busing stations, trash receptacles, and food preparation stations are not permitted in the sidewalk café area at any time.
  - 4.6. All tables, chairs and other decorative accessories shall be constructed and set up in such a manner as to be easily removed within the sidewalk café if necessary.
- C. Fee: The fee for a permit for a sidewalk cafe shall be twenty five dollars (\$25.00).

#### 4-6A-2: INSPECTIONS:

An inspection of the property to document existing conditions of public improvements shall be performed by the city prior to issuance of a permit. Applications should be filed at least two (2) weeks prior to scheduled use to allow sufficient time for such inspection. (1975 Code § 18-183)

#### 4-6A-3: REGULATIONS:

All permit holders shall be subject to the following regulations:

A. Items on the sidewalk shall at all times be placed in accordance with the approved plan.

~~B.~~ The sidewalk shall be kept clean and free of refuse and clutter at all times by the permit holder regardless of the source of such refuse and clutter, including, but not limited to, overflowing trash receptacles (private or public), cigarette and paper refuse.

~~B.~~

C. All public improvements on the sidewalk including, but not limited to, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. Permit holder shall immediately report any damage to such improvements to the director of public works. The city shall repair or replace such improvement at its discretion and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk use permit.

D. ~~E.~~ Operations of the sidewalk cafe shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

E. ~~F.~~ The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

~~G.~~ The permit shall be posted in a conspicuous place inside the business so as to be visible from an adjacent window. (1975 Code § 18-184)

#### 4-6A-4: RESTRICTIONS:

A. Items shall be placed so that a ~~five~~four foot (~~5~~4') wide unobstructed pedestrian walkway is maintained at all times; clearances will be maintained when any chair is pulled out from a table, particularly where chair backs face the street or pedestrian walkway.

B. A five foot (5') clear zone shall be maintained at corner locations of two (2) public sidewalks. No item shall be placed within five feet (5') of the corner of the building on either side.

C. Items shall be immediately adjacent to the building and shall not extend beyond the permit holder's storefront on any side.

~~D.~~ Items shall not obstruct normal ingress and egress from the business or from other businesses.

~~D.~~

~~E.~~ The consumption of alcoholic beverages in the area shall be prohibited. The proprietor shall be responsible for monitoring this provision.



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E.

~~F. H.~~—Hours of outdoor operation shall coincide with the hours of operation of the principal establishment. ~~I. Tables and chairs must be removed during Swedish Days Festival due to the volume of pedestrian traffic and other uses on the public sidewalks.~~

~~J. Amplified music and music speakers shall be prohibited for the area. (1975 Code § 18-185)~~

**4-6A-5: ENFORCEMENT:**

- A. Failure to comply with the provisions of this chapter shall result in a fine of twenty five dollars (\$25.00) for each day on which the violation occurs or continues to occur and revocation of the permit.
- B. The prohibition on consumption of alcoholic beverages within the area, as provided in subsection 4-6A-4GE of this chapter, shall be the responsibility of the permit holder. Two ~~(2)~~ violations of this provision shall result in the immediate revocation of the permit and permit holder shall be prohibited from reapplication for a period of twelve ~~(12)~~ months. Violations of subsection 4-6A-4GE of this chapter shall be subject to review by the local liquor control commissioner.
- C. The enforcement of all other sections of this chapter, including, but not limited to, the maintenance provisions and restrictions, shall be the responsibility of the permit holder. Any three ~~(3)~~ violations of the provisions shall result in the revocation of the permit and permit holder shall be prohibited from reapplication for a period of twelve ~~(12)~~ months. ~~(1975 Code § 18-187; amd. 2003 Code).~~

**ORDINANCE NO. 2022-28**

**AN ORDINANCE AMENDING TITLE 4 (BUSINESS AND LICENSE REGULATIONS), CHAPTER 2 (LIQUOR CONTROL) AND CHAPTER 6 (FOOD AND FOOD ESTABLISHMENTS), ARTICLE A (SIDEWALK CAFES) OF THE GENEVA CITY CODE**

**WHEREAS**, the City of Geneva, Kane County, Illinois is a duly organized and validly existing non-home rule municipality created in accordance with the Constitution of the State of Illinois 1970 and the laws of the State; and

**WHEREAS**, Section 4-1 of the State Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) provides that in every city, the corporate authorities shall have the power by general ordinance or resolution to determine the number, kind and classification of licenses for sale at retail of alcoholic liquor not inconsistent with the Act; and

**WHEREAS**, the corporate authorities of the City believe it to be in the best interest of the City to take such action as may be necessary to permit liquor license holders issued pursuant to Title 4 (Business and License Regulations), Chapter 2 (Liquor Control) of the Geneva City Code to provide outdoor service at Sidewalk Cafés on public property subject to the limitations and within specified areas as hereinafter provided; and

**WHEREAS**, the corporate authorities of the City finds that Title 4 (Business License Regulations), Chapter 2 (Liquor Control) and Chapter 6 (Food and Beverage Establishments) of the Geneva City Code required text amendments for consistency and clarity purposes; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS**, as follows:

**SECTION 1.** That Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), Section 1 (Definitions), be amended to include the following definitions:

**4-2-1: DEFINITIONS:**

OUTDOOR SEATING AREA	A privately owned outdoor location within the licensed premises for consumption on the premises, excluding any private parking area, where alcoholic liquor may be sold and consumed.
SIDEWALK CAFÉ	A publicly owned outdoor location within the licensed premises for consumption on the premises, excluding any parking area, where alcoholic liquor may be sold and consumed.

**SECTION 2.** That Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), Section 12 (Outdoor Licensing), be amended to read as follows:

#### **4-2-12: OUTDOOR LICENSING:**

Notwithstanding any other provision of this Code, it shall be unlawful for any liquor licensee to serve alcoholic liquor at an outdoor seating area without first obtaining a license, as provided herein.

##### **A. OUTDOOR SEATING LICENSE:**

1. An "outside seating area" means a privately owned outdoor location within the licensed premises for consumption on the premises, excluding any private parking area, where alcoholic liquor may be sold and consumed subject to the provisions governing outdoor seating licenses herein.
  - a. Such outdoor seating area may be allowed within certain Class B, C, D, or G licensed premises, as defined in this chapter, subject to the following conditions: Any outdoor area where alcohol is sold or consumed shall be enclosed or cordoned off by use of a fence or barrier which shall be not less than thirty-six (36) inches in height nor more than seventy-two (72) inches in height, and proved with required, unobstructed exits as prescribed herein and by the fire prevention code under the City Code. Such outdoor seating area shall be clearly designated with a permanent or semi-permanent fence and/or barrier consistent with the existing zoning and building ordinances of the City Code and as approved by the city.
  - b. The location of any outdoor seating area shall comply with all setback requirements in the applicable zoning district, shall not obstruct pedestrian or vehicular traffic and shall comply with all existing provisions of the City Code (adopted building, zoning and fire codes).
  - c. The authorized hours of operation of any outdoor seating area shall be the same as the permitted operating hours of the licensed premises.
  - d. A certified BASSET trained employee shall be responsible for the service of alcohol at the outdoor seating area.
2. An application is required for all outdoor seating licenses which shall include a detailed site plan showing all existing buildings, structures, fence or barrier openings, and objects on the property sought to be licensed, and the proposed location of each item to be placed within the outdoor seating area including, but not limited to, permanent or semi-permanent fences and/or barriers of a minimum of thirty-six (36) inches tall and a maximum of seventy-two (72) inches tall consistent with building and zoning provisions in this City Code. Partitions, chairs, tables, lighting, serving stations and other amenities included in the outdoor seating area shall be approved by the city. The outdoor seating area shall be maintained in compliance with the approved site plan.
3. An inspection of the outdoor seating area shall be made by the city prior to the issuance of an outdoor seating license. Inspections may include, but are not limited to, inspections by the building department, police department and fire department prior to issuance of the license.
4. The outdoor seating area shall be in compliance with all requirements of this City Code and all other applicable rules and regulations regarding the outdoor seating area.
5. Standards for Outdoor Liquor License Seating Area:

- a. The total number of outdoor tables and seats shall not exceed the licensee's approved seating diagram as submitted in its application, and is dependent on the amount of space available and on the applicable building and fire regulations under the City Code.
- b. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:
  - i A space at least thirty-six (36) inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
- c. Barrier Designs. A variety of styles and designs are permissible for outdoor liquor license areas.
  - i Sectional Fencing: sectional fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor seating areas using barriers. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum steel, iron, or similar) or of wood or composite construction.
  - ii Rope or Chain Rails: Rope or chain-type barriers (generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions) are permitted if they meet the following guidelines:
    - Rope/Chain Diameter: The rope or chain must have a minimum diameter of one (1) inch, in order to be identifiable by the visually impaired.
    - Posts: Vertical support posts (stanchions, bollards, etc.) must be constructed of wood, metal (aluminum, steel, iron, or similar), or composite materials.
    - Stanchion Base Must Not be a Tripping Hazard: If a stanchion or other vertical supporting device is attached to a base, that base must be adequate to support the station as approved by the city. No domed stanchion bases are permitted.
  - iii Freestanding or Attached: Any barrier may be freestanding without any permanent or temporary attachments to buildings, sidewalks, or other infrastructure or may be attached to a building.
  - iv Planters: Planters may be used in addition to or in place of other barrier designs. Planters and the plants contained within them must meet the following requirements:
    - Maximum Height of Planters: Planters may not exceed a height of thirty-six (36) inches above the ground. (This pertains to the planter only, not the plants contained therein).
    - Maximum Height of Plants: Plants (or seasonal displays of natural landscape material) may not exceed a height of seventy-two (72) inches above the level of the ground.

- Planter Material: All planters must have plants (live, artificial, or seasonal) contained within them. If the live plants within the planter die, the plants must be replaced or the planter removed. Empty planters with only dirt, mulch, straw, woodchips or similar material are not permitted.
- v Natural Barriers: Barriers may be natural in design such as a hedge, shrub or other plant materials approved by the city.
- d. Prohibited Barrier Styles.
  - i Fabric Inserts: Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier.
  - ii Chain-link and Other Fencing: The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited for the outdoor seating license. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to such items as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) are not permitted and may not be used as components of a barrier.
- e. Barrier Measurements. To ensure their effectiveness as pedestrian control devices and identifiable to persons with visual impairments, barriers must meet the following measurement guidelines:
  - i Height: The minimum height for barrier designs is thirty-six (36) inches from the ground and maximum of seventy-two (72) inches with the exception of planters. However, planters may not exceed a height of thirty-six (36) inches above the ground. (This pertains to the planter only, not the plants contained therein.)
  - ii "Open" Appearance: Fences or other perimeter enclosures with a height of between thirty-six (36) inches and fifty (50) inches and must be at least fifty percent (50%) open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over fifty (50) inches must be at least eighty percent (80%) open (see-through). Variances of the open appearance requirement will be granted for those outdoor seating licenses that have been issued and are currently on file with the city as of May 1, 2015.
  - iii Maximum Distance from Ground: All barriers must be identifiable to visually impaired pedestrians. Therefore the bottom of barriers must be no greater than seventy-two (72) inches above the sidewalk surface.
- f. Access Openings.
  - i Minimum Access Width: Any access opening within the barrier must measure no less than thirty-six (36) inches in width.
  - ii Location: Access openings should be placed in a location that will not create confusion for visually impaired pedestrians and as approved by the fire department.
- g. The outside dining area must be kept sanitary, neat and clean at all times and in compliance with the Kane County Health Department.
- h. The dining area must have adequate illumination during evening hours.

6. The issued license shall be posted in a conspicuous place inside the licensed premises.
7. All such sales and distribution of alcoholic liquor shall in all respects be in conformance with the class of license held by the liquor licensee.

**B. SIDEWALK CAFÉ LICENSE:**

1. A sidewalk café means a public area within a licensed premises, excluding any parkway or parking area, where alcoholic liquor may be sold and consumed on premise subject to the provisions governing sidewalk café licenses herein.
  - a. Such sidewalk cafés may be allowed within certain Class B, C, D, or G licensed premises as defined in this chapter.
  - b. Sidewalk cafés shall be confined to an area immediately adjacent to the building wall and must not extend into the pedestrian clearance area.
    - i. Items shall be placed so that a four foot (4') wide unobstructed pedestrian walkway is maintained at all times; clearances will be maintained when any chair is pulled out from a table, particularly where chair backs face the street or pedestrian walkway.
    - ii. A five foot (5') clear zone shall be maintained at corner locations of two public sidewalks. No item shall be placed within five feet (5') of the corner of the building on either side.
    - iii. Items shall be immediately adjacent to the building and shall not extend beyond the licensee's storefront on any side.
    - iv. Items shall not obstruct normal ingress and egress from the business or from other businesses.
  - c. Furnishings for sidewalk cafés shall consist solely of moveable, tables, chairs and decorative accessories.
    - i. Tables may only seat a maximum of two guests; the table may not be used to serve parties greater than two guests at any given time.
    - ii. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
    - iii. Umbrellas, outdoor heaters, busing stations, trash receptacles, and food preparation stations are not permitted in the sidewalk café area at any time.
    - iv. All tables, chairs and other decorative accessories must be constructed and set up in such a manner as to be easily removed within the sidewalk café if necessary.
  - d. The authorized hours of operation of any outdoor seating area shall be the same as the permitted operating hours of the licensed premises.
  - e. A certified BASSET trained employee shall be responsible for the service of alcohol at the outdoor seating area.
2. An application is required for all sidewalk café licenses. Applications must include:

- a. A dimensioned plan drawn to scale and done in a professional manner showing the sidewalk and all public improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building, and the proposed location of all café furniture, furniture described by height, color and type of materials, to be placed on the sidewalk.
  - b. A Certificate of insurance naming the city as an additional insured with a minimum coverage of one million dollars (\$1,000,000.00).
  - c. A signed indemnification statement on form provided by city.
3. The sidewalk café shall be in compliance with all requirements of this City Code and all other applicable rules and regulations regarding the sidewalk café area.
  4. An inspection of the property to document existing conditions of public improvements shall be performed by the city prior to issuance of a license. Applications should be filed at least two weeks prior to scheduled use to allow sufficient time for such inspection.
  5. All license holders shall be subject to the following regulations:
    - a. Items on the sidewalk shall at all times be placed in accordance with the approved plan.
    - b. The sidewalk shall be kept clean and free of refuse and clutter at all times by the licensee regardless of the source of such refuse and clutter including but not limited to, overflowing trash receptacles (private or public), cigarette and paper refuse.
    - c. All public improvements on the sidewalk including, but not limited to, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the license, excluding normal wear and tear. Licensee shall immediately report any damage to such improvements to the director of public works or designee. The city shall repair or replace such improvement at its discretion and shall charge the cost of repair or replacement to the licensee unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk café license.
    - d. Operations of the sidewalk café shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
    - e. The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

**C. OUTDOOR LICENSING FEE:**

The annual fee for outdoor seating area and/or sidewalk café license shall be two hundred dollars (\$200.00). This fee is in addition to any primary liquor license fee. Licensees with both an outdoor seating area and a sidewalk café shall only pay the outdoor licensing fee one time annually.

**SECTION 3.** That Title 4 (Business and License Regulations), Chapter 2 (Liquor Control), Section 13 (License Fees and Number of Licenses), be amended to include the following fee classification:

**4-2-13: LICENSE FEES AND NUMBER OF LICENSES:**

A.

License Classification	Description	Number Authorized	Initial License Fee	Annual Renewal Fee
Outdoor Seating and Sidewalk Café Licenses	Seasonal outdoor seating license	No limit	\$200.00	\$200.00

**SECTION 4:** That Title 4 (Business and License Regulations), Chapter 6 (Food and Food Establishments), Article A (Sidewalk Cafés without Liquor Service) be amended to read as followings:

**ARTICLE A. SIDEWALK CAFES WITHOUT LIQUOR SERVICE**

SECTION:

**4-6A-1: PERMIT REQUIRED; APPLICATION AND FEE:**

- A. Permit Required: Notwithstanding any other provision in this code, it is unlawful for any person to use the public sidewalk for any commercial purpose of any kind without obtaining a permit or a license. Permits will be issued only to licensed restaurant businesses and owning or leasing property immediately adjacent to the sidewalk. No permit shall be issued to any business which is not in compliance with all provisions of this code. Businesses seeking to serve alcoholic liquors on the public sidewalk require a license pursuant to 4-2-12 of this Code.
- B. Application: All applicants for sidewalk cafe permits must complete an application in a form approved by the city and submitted to the building commissioner. All applications shall include the following information:
  - 1. A dimensioned plan drawn to scale and done in a professional manner showing the sidewalk and all public improvements such as light posts, benches, planters, trees and tree grates in the area, location of the curb relative to the building, and the proposed location of all care furniture, furniture described by height, color and type of materials, to be placed on the sidewalk.
  - 2. Certificate of insurance naming the city as an additional insured with a minimum coverage of five hundred thousand dollars (\$500,000.00).
  - 3. A signed indemnification statement on a form provided by the city.
  - 4. Furnishing of sidewalk cafés shall consist solely of moveable, tables, chairs and decorative accessories. Tables may only seat a maximum of two guests; the table may not be used to serve parties greater than two guests at any given time. Furnishing must be kept in a state of good repair and in a clean and safe condition at all times.



5. Umbrellas, outdoor heaters, busing stations, trash receptacles, and food preparation stations are not permitted in the sidewalk café area at any time.
  6. All tables, chairs and other decorative accessories shall be constructed and set up in such a manner as to be easily removed within the sidewalk café if necessary.
- C. Fee: The fee for a permit for a sidewalk cafe shall be twenty five dollars (\$25.00).

#### **4-6A-2: INSPECTIONS:**

An inspection of the property to document existing conditions of public improvements shall be performed by the city prior to issuance of a permit. Applications should be filed at least two (2) weeks prior to scheduled use to allow sufficient time for such inspection. (1975 Code § 18-183)

#### **4-6A-3: REGULATIONS:**

All permit holders shall be subject to the following regulations:

- A. Items on the sidewalk shall at all times be placed in accordance with the approved plan.
- B. The sidewalk shall be kept clean and free of refuse and clutter at all times by the permit holder regardless of the source of such refuse and clutter, including, but not limited to, overflowing trash receptacles (private or public), cigarette and paper refuse.
- C. All public improvements on the sidewalk including, but not limited to, benches, light poles and trees shall be maintained in the condition in which they existed immediately prior to the issuance of the permit, excluding normal wear and tear. Permit holder shall immediately report any damage to such improvements to the director of public works. The city shall repair or replace such improvement at its discretion and shall charge the cost of repair or replacement to the permit holder unless the damage can be clearly shown to have resulted from a cause not related to the issuance of the sidewalk use permit.
- D. Operations of the sidewalk cafe shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.
- E. The area and materials must be maintained and in good condition at all times. Broken, rusting, torn or tattered furnishings shall be removed promptly.

#### **4-6A-4: RESTRICTIONS:**

- A. Items shall be placed so that a four foot (4') wide unobstructed pedestrian walkway is maintained at all times; clearances will be maintained when any chair is pulled out from a table, particularly where chair backs face the street or pedestrian walkway.
- B. A five foot (5') clear zone shall be maintained at corner locations of two (2) public sidewalks. No item shall be placed within five feet (5') of the corner of the building on either side.
- C. Items shall be immediately adjacent to the building and shall not extend beyond the permit holder's storefront on any side.
- D. Items shall not obstruct normal ingress and egress from the business or from other businesses.
- E. The consumption of alcoholic beverages in the area shall be prohibited. The proprietor shall be responsible for monitoring this provision.

F. Hours of outdoor operation shall coincide with the hours of operation of the principal establishment.

**4-6A-5: ENFORCEMENT:**

- A. Failure to comply with the provisions of this chapter shall result in a fine of twenty five dollars (\$25.00) for each day on which the violation occurs or continues to occur and revocation of the permit.
- B. The prohibition on consumption of alcoholic beverages within the area, as provided in subsection 4-6A-4E of this chapter, shall be the responsibility of the permit holder. Two violations of this provision shall result in the immediate revocation of the permit and permit holder shall be prohibited from reapplication for a period of twelve months. Violations of subsection 4-6A-4E of this chapter shall be subject to review by the local liquor control commissioner.
- C. The enforcement of all other sections of this chapter, including, but not limited to, the maintenance provisions and restrictions, shall be the responsibility of the permit holder. Any three violations of the provisions shall result in the revocation of the permit and permit holder shall be prohibited from reapplication for a period of twelve months.

**SECTION 5:** That Title 4 (Business and License Regulations) as heretofore amended shall otherwise remain in full force and effect.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law. Publication of the Ordinance is hereby approved to be in pamphlet form.

**PASSED** by the Corporate Authorities of the City of Geneva, Kane County, Illinois this \_\_\_\_ day of June, 2022.

AYES: \_\_\_\_ NAYS: \_\_\_\_ ABESENT: \_\_\_\_ ABSTAINING: \_\_\_\_ HOLDING OFFICE: \_\_\_\_

**APPROVED** by me this \_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk