



OUTDOOR SEATING OPTIONS FOR RESTAURANTS AND BARS FREQUENTLY ASKED QUESTIONS – Updated 6/25/2021

Are restaurants and bars allowed to serve alcoholic beverages in temporary outdoor seating areas that are on public property?

Yes. The Illinois Liquor Control Commission adopted temporary regulations regarding the sale and/or consumption on public property. Restaurants and bars must submit and receive approval for the expansion of outdoor seating on public property and submit the temporary outdoor seating liquor license application along with applicable insurance.

If I received approval last year (2020), do I need to resubmit this year?

Yes. Some requirements have changed regarding the use of public property. Anyone desiring to utilize public property for temporary outdoor seating must submit a new application.

What if I presently have a valid permit for a temporary structure associated with outdoor seating, do I need to resubmit this year?

The permit will remain in effect until the defined expiration date (printed on the permit). Upon expiration, a business must submit a new request for Spring/Summer 2021. No fees will be charged for temporary structure permits issued during this period.

Can outdoor seating areas on public property be used for food preparation?

No. The use of public property will be considered only to serve customers and not to prepare food. Grills, smokers and similar devices may not be placed on public property.

If I have a certificate of insurance on file with the City for my liquor license, do I need to provide another one?

It depends. If you are applying to use “public” property for temporary outdoor seating, you are required to submit a certificate of insurance naming the City of Geneva as an additional insured. If you are expanding temporary outdoor seating on “private” property, the liquor liability insurance certificate you have on file with the City is sufficient as long as it has not expired.

Are orange cones sufficient to cordon off expanded seating on private property for the sale and consumption of alcoholic beverages?

No. Licensed establishments must use a fence or barrier (roping off the area is sufficient). Any type of “staking” is not permitted on public property.

Do restaurants need to provide access to bathroom facilities to patrons?

Yes. Restaurants need to follow all Department of Public Health requirements for health and safety. In addition, signage should be displayed at exits of restrooms to promote the use of a paper towel to open the door for exit. Display signage should also promote social distancing within shared restrooms.

Are establishments required to comply with ADA for outdoor dining areas, especially for individuals with visual impairments?

Yes. Since the ADA is a federal law, all ADA requirements must be complied with regarding outdoor dining.

Are establishments required to close by a certain time each night?

All licensed establishments are to adhere to normal operating hour requirements per the Geneva City Code, unless otherwise stipulated by further mitigation tier.

Will the City close Third Street for outdoor dining?

No. The City has attempted to create a fair and equitable solution for all restaurants to be able to expand their outdoor seating capacity regardless of location. The City also respects the need for people to find parking when patronizing retail or service businesses who are also striving to safely service customers.

Are temporary structures such as tents allowed on private or public property?

Yes, tents and other temporary structures are permitted with the following restrictions:

- All structures that contain more than one party must be open on at least two sides to qualify for outdoor dining capacity limits. Other enclosures for single party use should have proper ventilation to maintain airflow.
- All structural materials must be certified fire rated or noncombustible.
- Any open tent or combination of tents and structures over 700 sf, or any fully enclosed tent or structure over 400 sf or any structure located within 12' of another structure if greater than 400 sf requires a building permit.

All tents have to be secured per manufacturer's specifications. Tents placed on public property **may not use** stakes or any method that is stuck into the ground or pavement.

Can heating devices be used in tents and other temporary structures?

Yes, provided that electric powered heating devices are installed by an electrician and gas powered heaters are only used in unenclosed areas.

Can tents and temporary structures be used during periods of inclement weather?

No, heavy rains and wind can make tents and temporary structures unsafe. Restaurants will need inclement weather plans in writing and trained staff to prevent any injuries in storms or other unsafe situations.

May a licensed establishment sell pre-mixed cocktails for curbside pick-up?

Yes, a cocktail or mixed drink placed in a sealed container by a retail licensee at the retail licensee's location may be transferred and sold for off-premises consumption if specified requirements are met.

Are restaurants allowed to use shared condiments?

No, shared condiments are not permitted. Restaurants should use single packet condiments, if possible, or serve condiments in containers – such as a washable bowl or paper cup – that can be sanitized or disposed of after use.

Are restaurants required to use disposable silverware?

Restaurants should use disposable silverware, if possible, or used rolled silverware placed in sleeves.

If we have an outdoor bar with seats (not tables), may people sit at the bar?

Bar seating is discouraged and standing at a bar is not allowed. Social distanced seating and barriers must be provided before permitting seating at a bar.

Is live and/or amplified entertainment permitted in the expanded outdoor seating area?

Live music is permitted, but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and customers. Performers should wear face coverings where possible, and the use of barriers between singers, customers and employees during the performance is strongly encouraged. In addition, establishments must follow the decibel and hours of operations requirements as per the Geneva City Code.

How long may we continue to use the expanded outdoor seating area?

The permission for expanded outdoor seating will expire December 31, 2021 and will not be extended into 2022. At that time, the area will need to be returned to its former use.