

City of St. Charles

Outdoor Café & Sidewalk Sign



Building & Code Enforcement Division
2 East Main Street
St. Charles IL 60174
630.377.4406 (Office)
630.443.4638 (Fax)
<http://www.stcharlesil.gov>

**Please direct any and all questions to the City of St. Charles Building and Code Enforcement Division:
Monday through Friday (8 AM to 4:30 PM) at 630.377.4406**

A building permit is required prior to installation of an Outdoor café, use of public sidewalk, sidewalk sign in public places. The following are guidelines and comments for obtaining a building permit.

Application and Drawings Procedures:

- ▶ An application is to be filled out and submitted to the Building & Code Enforcement Division. The contact names, addresses, and phone numbers are to be filled out when submitting the application.
- ▶ Two-2 copies of the site plan with dimensions showing:
 - Sidewalk/walkway/plaza width & length
 - Building wall & entrance
 - Light poles, benches & trash containers
 - Trees & tree grates
 - Bicycle racks & newspaper boxes
 - Proposed location of tables, chairs, & sign
- ▶ Certificate of Insurance showing the City as additionally insured and the City as the certificate holder with the following coverages:
 - Worker's Compensation Insurance (as and if required by Illinois Statutes) – required when service is provided to customers in public places
 - \$2-million General Liability per occurrence and for any single injury
 - \$1-million Umbrella Liability insurance (Outdoor Café only)
 - Liquor Liability, if serving alcohol on public property (Outdoor Café only)
- ▶ Our goal is to complete the review of your building permit within (10) working days.

Application – Permit Fees: *Payment to be made in either check or cash*

- ▶ A filing fee is to be paid at time of submission of application and plans:
 - Sidewalk Sign - \$30.00 annual fee
 - Outdoor Café public sidewalk – CBD-1 Zoning District 100 Day permit \$50.00
 - Outdoor Café First Street Public Plaza 100 Day permit - \$0.50 per square foot of area used within public plaza

Inspections:

The following inspection is required after installation of a sidewalk café/food cart or sidewalk sign in public places:

- Final – approximately ½ hour

Terms and Conditions- City Code sections:

12.04.102 – Outdoor Cafés in Public Places

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

- A. Permits issued hereunder shall be valid for a term of one hundred (100) days or less and shall be issued for:
1. The period of April 15 (or the date of application, whichever is later) through July 23 and/or,
 2. The period of July 24 (or the date of application, whichever is later) through October 31.

The holder of a permit for April 15 through July 23 shall not have any automatic right to the issuance of a permit for the period of July 24 through October 31, but shall have the right to apply for a second permit.

- B. Permit fees shall be:
1. Use of Public Sidewalk within right-of-way: \$50
 2. Use of the First Street East and West Public Plazas, based upon a layout approved by City Council: \$0.50 per square foot of Outdoor Café area within the plaza
- C. An Outdoor Café Permit shall be required prior to placing tables, chairs, umbrellas, enclosure fencing, carts, or any other equipment on any public sidewalk, or walkway or plaza.
- D. Outdoor Café Permits may be issued only where the equipment is incidental to the operation of a restaurant on private property contiguous to the sidewalk, walkway or plaza.
- E. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the uses permitted by a Outdoor Café Permit reduce the open portion of any sidewalk or walkway to less than five feet (5') in width. All equipment placed in the public area shall conform with Section 12.04.200 of this Chapter as to corner visibility.
- F. Prior to issuance of a permit, the applicant shall furnish a dimensioned plan showing the sidewalk or other public space and all existing public improvements and encroachments

such as light posts, benches, planters, trash receptacles, fences, trees and tree grates and bicycle racks. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture, carts, and other equipment to be placed on the sidewalk.

- G. The consumption and possession of alcoholic beverages in the area for which a Outdoor Café Permit has been issued shall be prohibited, except as allowed pursuant to Title 5, “Business Licenses and Regulations,” Chapter 5.08, “Alcoholic Beverages,” Section 5.08.300, “Consumption and Possession of Alcoholic Liquor on Public Property.”
- H. All applicable County Health Department sanitation requirements shall be followed for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- I. All public areas encompassed by the Outdoor Café Permit shall be maintained in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
- J. Permittees are responsible for emptying the public trash containers placed by the City if they should become full prior to the next regular pickup time.
- K. Permittees shall see that the public areas encompassed by their Outdoor Café Permit are clean at the end of each business day, so as not to have any food or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- L. Design and placement of tables and chairs, as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act and the Illinois Accessibility Act.
- M. No tables, umbrellas, enclosure fencing, or other equipment shall be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- N. The applicant for an Outdoor Café Permit shall provide at its sole cost and expense, and shall maintain in effect during the entire period of the permit, insurance at a minimum in at least the following manner, or equivalent coverage determined acceptable by the City Administrator:
 - 1. Worker’s Compensation Insurance in at least the required statutory limits.
 - 2. Comprehensive General Liability Insurance, including owner’s protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million (\$2,000,000.00) dollars per occurrence, and two million (\$2,000,000.00) dollars for any single injury.
 - 3. Umbrella Liability Insurance with limits of at least one million (\$1,000,000.00) dollars per occurrence.
 - 4. Liquor Liability Coverage for any establishment serving alcohol on public property.

5. Prior to issuance of a Outdoor Café permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
 6. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the Outdoor Café Permit until 30 days after written notice of such change has been delivered to the City.
- O. The permittee shall indemnify, defend, protect, and hold harmless the City, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in a connection therewith, including but not limited to a reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "Losses") directly or proximately resulting from permittee's acts or omissions, except to the extent that the city is the sole legal cause of said losses. The foregoing notwithstanding, under no circumstances shall the issuance of any permit provided for under the St. Charles Municipal Code, including but not limited to a Outdoor Café Permit, to the permittee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said permit shall be deemed a waiver by the city of any defenses or immunities relating to the permittee or its property, or to any person or entity or their property, that are or would be otherwise available to the city or its corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this section shall survive the expiration or earlier termination of each Outdoor Café permit, or the renewal thereof.
 - P. The City may suspend or revoke the Outdoor Café Permit for any reason including, but not limited to violations of any provision of the St. Charles Municipal Code, after providing at least three (3) days written notice, except in an emergency, to a permittee.
 - Q. An Outdoor Café Permit may not be assigned or transferred without prior written consent of the City Administrator. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person. The Outdoor Café Permit shall not confer any property rights.
 - R. The Permittee shall promptly remove all of permittee's structures, equipment or improvements of all kinds, whether in or adjacent to the Outdoor Café, no later than the date of termination of the permit (or date of permit suspension or revocation, if applicable).

12.04.104 Sidewalk Signs

The City Administrator is authorized to issue Sidewalk Sign Permits for the use of public places located in the CBD-1 zoning district, for the purpose of erecting signs that advertise businesses located within the CBD-1 zoning district. The City Administrator may issue two types of Sidewalk Sign Permits: 1) Annual Sidewalk Sign Permits; and 2) Construction Sidewalk Sign Permits, subject to the following conditions:

A. Conditions applicable to all Sidewalk Sign Permits:

1. A Sidewalk Sign Permit shall be required prior to placing any sign on any public sidewalk, walkway or plaza. The city hereby reserves the right to limit the number of Sidewalk Sign Permits issued to ensure the proper flow of pedestrian and vehicular traffic, and otherwise to protect the public health, safety and welfare. In that event, permit applications shall be processed and accepted on a first come, first served, basis.
2. The sign shall not be attached or affixed to the sidewalk, parkway, pole or any other public facility.
3. The sign shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the sidewalk sign reduce the open portion of any sidewalk to less than five feet (5') in width. The location and height of the sign shall conform with section 12.04.200 of this chapter as to corner visibility.
4. The applicant for a Sidewalk Sign Permit shall provide, at its sole cost and expense, and shall thereafter maintain in effect during the entire period of the permit, insurance in the following manner:
 - a. Worker's Compensation Insurance in at least the required statutory limits;
 - b. Comprehensive General Liability Insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million (\$2,000,000.00) dollars per occurrence, and two million (\$2,000,000.00) dollars for any single injury, and
 - c. Prior to issuance of a Sidewalk Sign Permit, the applicant shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
 - d. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the sidewalk Café Permit until 30 days after written notice of such change has been delivered to the City.
5. The permittee shall indemnify, defend, protect, and hold harmless the City, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in a connection therewith, including but not limited to reasonable

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

6. The City may suspend or revoke the Sidewalk Sign Permit for any reason including, but not limited to violations of any provision of the St. Charles Municipal Code after providing at least three (3) days written notice, except in an emergency, to a permittee."

B. Conditions applicable to Annual Sidewalk sign Permits:

1. Annual Sidewalk sign Permits issued hereunder shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year. The permit fee for an Annual Sidewalk Sign Permit shall be thirty dollars (\$30.00) for each year the permit is obtained.

2. Annual Sidewalk Sign Permits may be issued only where the sign is incidental to the operation of a business on private property contiguous to the sidewalk, walkway or plaza. Only one Annual Sidewalk Sign Permit shall be issued for each business establishment, except that public service signs (i.e., signs indicating the curb location of valet parking or Health Department requirements for sidewalk cafes) may be permitted in addition to the one sign per business.

C. Conditions applicable to Construction Sidewalk Sign Permits:

1. From time to time the Director of Public Works shall designate certain areas of the CBD-1 Zoning District as "construction zones". Any area so designated shall be adjacent to a business or businesses. Said designation shall automatically expire upon the completion of construction activities. Within a designated construction zone, a Construction Sidewalk Sign Permit may be issued, regardless of whether an Annual Sidewalk Sign Permit has previously been issued. Signs permitted by a Construction Sidewalk Sign Permit may be located anywhere

within the CBD-1 Zoning District, subject to the review and approval of the Director of Community Development in accordance with, but not limited to, all of the conditions of Subsections A and C of this Section 12.04.104. No more than one Construction Sidewalk Sign Permit may be issued for each business. Businesses may combine their advertising with up to four (4) businesses listed on each sign, and any one business may be listed on up to four (4) signs, but in no event shall the total number of Construction Sidewalk Sign Permits exceed one for each business.

2. Construction Sidewalk Sign Permits issued hereunder shall be valid for the duration of the Construction Zone designation. There shall be no permit fee for Construction Sidewalk Sign Permits.

12.04.110 Encroachments prohibited.

It is unlawful to erect or maintain any building or structure, which encroaches upon any public street or property, or to erect, install or maintain any sign in or on any public street or other public way, except as authorized by other ordinances. (Prior code § 12.111.)

CITY OF ST. CHARLES
Application
Outdoor Cafe & Sidewalk Sign in Public Places



DIVISION: Building & Code Enforcement

PHONE: (630) 377-4406

FAX: (630) 443-4638

Application Date: _____ **Parcel No.** _____ **Permit No.** _____

PLEASE PRINT ALL INFORMATION

Property Address: _____

Name of Business at this location: _____

I hereby apply for permission to place the following on public property: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Sign | <input type="checkbox"/> Enclosure fencing |
| <input type="checkbox"/> Tables & Chairs | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Table Umbrellas | |

Note: Applicants are responsible for any permits required by the Illinois Department of Transportation (IDOT) for locations within the state right of way (Routes 64, 25, & 31).

Check List for Submittal of Application:

- Annual Permit Application – Completely Filled Out.
- Two-2 Copies of site plan with dimensions showing:
 - Sidewalk/walkway/plaza width & length
 - Building wall & entrance
 - Light poles, benches & trash containers
 - Trees & tree grates
 - Bicycle racks & newspaper boxes
 - Proposed location of tables, chairs, & sign
- Certificate of Worker's Compensation Insurance (as and if required by Illinois Statutes) – required when service is provided to customers in public places.
- Certificate of Comprehensive General Liability Insurance, with limits of at least \$2-million per occurrence and for any single injury, naming the City of St. Charles as additional insured and Certificate Holder, and \$1-million Umbrella Liability Insurance.
- Sidewalk Sign - \$30.00 annual fee
- Outdoor Café public sidewalk – CBD-1 Zoning District 100 Day permit - \$50.00
- Outdoor Café First Street Public Plaza 100 Day permit - \$0.50 per square foot of area used within public plaza

Owner of the Property:

Name: _____
Address: _____
City/State/Zip Code: _____
Email: _____
Telephone NO. _____

Applicant:

Name: _____
Address: _____
City/State/Zip Code: _____
Email: _____
Telephone NO. _____

If approved, this permit allows for the use of the public sidewalk, walkway or plaza contiguous to the business at the above address for the uses indicated above, as shown on the approved site plan. **I understand and acknowledge** that this permit constitutes the terms and conditions for the use of public property. **I have read and agree to fully abide by** the requirements of this permit and of Section 12.04.102 and 12.04.104 of the St. Charles Municipal Code.

I further agree to indemnify and defend the City from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorney's fees, which may in any way arise out of or be connected with the granting of this permit or which may in any way result therefrom, or from any act or failure to act by me, my agents or employees.

PRINT NAME: _____ **SIGNATURE:** _____

AUTHORIZED SIGNATURE OF PROPERTY OWNER: _____
(If different from Applicant)

REPORT OF BUILDING OFFICIAL

Remarks: _____

Sidewalk Sign valid through December 31, _____ (year)

**Outdoor Café –April 15th through July 23rd of _____ (year) or
2nd application July 24th through October 31st _____ (year) (100 days or less)**

Accepted: _____ **Rejected:** _____ **Date:** _____

Signed: _____

For Office Use
Received _____
Fee Paid \$ _____
Receipt # _____
Check # _____