

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		<b>Agenda Item Number: 4e</b>
	<b>Title:</b>	Discussion regarding Temporary Outdoor Dining Program	
	<b>Presenter:</b>	Russell Colby	
<b>Meeting:</b> Planning & Development Committee		<b>Date:</b> September 13, 2021	
Proposed Cost:		Budgeted Amount:	Not Budgeted: <input type="checkbox"/>
<p><b><u>Background</u></b></p> <p>In response to the COVID-19 pandemic and State-imposed restrictions on indoor dining, the City created a “Temporary Outdoor Dining Program” to provide for expanded outdoor areas for restaurants and bars to offer services. The program allowed for the suspension and relaxation of certain zoning requirements and other codes to allow expanded use of private and public spaces for outdoor dining.</p> <p>Under the program, businesses were able to obtain permits to set up outdoor areas and tent enclosures in a number of locations, both within downtown and elsewhere, including within private parking lots, public parking lots, public sidewalks and the First Street public plazas. A number of these temporary outdoor areas remain in use today.</p> <p>This program was approved by Ordinance and was last extended to Dec. 31, 2021, in part to allow for businesses to recover following months of reduced operations and income.</p> <p>Additionally, the City Council approved street closures of:</p> <ul style="list-style-type: none"> <li>• First Street through the plaza area, to be re-opened for the winter at first snowfall (or earlier as determined by the City Administrator)</li> <li>• Walnut Avenue, for Flagship on the Fox. The street is authorized to be closed through Dec. 31 (or as determined by the City Administrator)</li> </ul> <p><b><u>Request for Extension</u></b></p> <p>Staff was recently contacted by Alter Brewing regarding an interest to continue outdoor dining through the winter season with use of globe enclosures.</p> <p>At this time, it is not known what pandemic mitigations might be in place, if any, after Dec. 31.</p> <p>In response to the request, the City Council could choose to extend the program through the winter season, similar to last year. Staff recommends not extending the program beyond the start of the normal Sidewalk Café permit season, April 15.</p> <p>Going forward, businesses utilizing the First Street plaza area will likely have an interest in continuing use of the plazas for outdoor dining. This will require further discussion on the long-term use and function of the plaza, as the space was designed and constructed for public use. Additionally, consideration will need to be given to how First Street will be modified as a part of Phase II of the Plaza expansion project, which could be under construction in 2022.</p>			
<p><b>Attachments (please list):</b> Temporary Outdoor Dining Programs (public property and private property); Street closure resolutions</p>			
<p><b>Recommendation/Suggested Action (briefly explain):</b> Options to consider:</p> <ol style="list-style-type: none"> <li>1. No changes to the program- Temporary Outdoor Dining to end Dec. 31, 2021.</li> <li>2. Recommend an extension of the program through the winter season, ending by April 15, 2022.</li> </ol>			

**From:** Ken <[ken@alterbrewing.com](mailto:ken@alterbrewing.com)>

**Date:** September 1, 2021 at 4:57:44 PM CDT

**To:** Jenna Sawicki <[jsawicki@stcalliance.org](mailto:jsawicki@stcalliance.org)>

**Cc:** "Pietryla, David" <[dpietryla@stcharlesil.gov](mailto:dpietryla@stcharlesil.gov)>, "Wirball, Bryan" <[bwirball@stcharlesil.gov](mailto:bwirball@stcharlesil.gov)>, "Vitek, Lora" <[lvitek@stcharlesil.gov](mailto:lvitek@stcharlesil.gov)>

**Subject:** Winter Sidewalk Cafe Guidance

Jenna & St. Charles leaders,

If Alter is going to invest in high end “igloos”, now referred to as Alpen Globes as that is the product we want to program, we are going to need to know in the next week or so whether the sidewalk café permit will most likely be extended through the winter into 2022. This things are freakin awesome and would absolutely be additive to the plaza landscape this winter. Check them out through this link [Alpenglobe](#). Without an indication of permitting beyond Dec. 31<sup>st</sup> 2021 we’re left to programming the old inferior igloos from last winter which we’d rather not do.

Sorry for sense of urgency but these have a 12-14 week lead time. Please advise at your earliest convenience.

Best,  
Ken



**Ken Henricks | President**

**m:** 773-610-9283

**e:** [ken@alterbrewing.com](mailto:ken@alterbrewing.com)

**w:** [www.alterbrewing.com](http://www.alterbrewing.com)

#LiveAltered



REFER TO:

Minutes 1-19-2021

Page \_\_\_\_\_

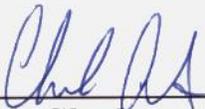
# City of St. Charles, Illinois

**Ordinance No.: 2021-M-4**

**An Ordinance Amending the Temporary  
Outdoor Dining Program for Private  
Property.**

**Adopted by the  
City Council  
of the  
City of St. Charles  
January 19, 2021**

Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, **January 26, 2021**

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



**(SEAL)**

**City of St. Charles, IL  
Ordinance No. 2020-M-4**

**An Ordinance Amending the Temporary Outdoor Dining  
Program for Private Property**

**WHEREAS**, COVID-19 (a/k/a Novel Coronavirus) is a severe respiratory illness caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of St. Charles; and,

**WHEREAS**, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and,

**WHEREAS**, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including Kane and DuPage Counties, are disaster areas due to the Novel Coronavirus; and

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 to be a global pandemic; and

**WHEREAS**, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

**WHEREAS**, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and

**WHEREAS**, the Illinois Governor has established a five-phase plan, Restore Illinois, dated May 5, 2020, for the reopening of the State; and

**WHEREAS**, though the threat from COVID-19 to the public health, safety and welfare continues, the Restore Illinois Plan acknowledges the need to allow local and State economies to begin to recover economically to minimize and reverse the adverse economic, social and psychological effects of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

**WHEREAS**, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, advanced to Phase 3 on May 29, 2020 which allowed outdoor dining to reopen with social distancing and safety measures in place; and

**WHEREAS**, pursuant to the Mayor’s Executive Order issued on May 28, 2020, the City issued permits allowing temporary outdoor dining areas; and

**WHEREAS**, Region 8, in which the City is located, advanced to Phase 4 on June 26, 2020, which has allowed indoor dining, amongst other businesses, to resume operations with social distancing and safety measures in place; and

**WHEREAS**, June 29, 2020, the City Council approved Ordinance #2020-M-26, "Establishing a Temporary Outdoor Dining Program" which extended the permits previously issued under the Mayor's Executive Order until October 31, 2020; and

**WHEREAS**, on October 5, 2020, the City Council approved Ordinance #2020-M-39 "Amending the Temporary Outdoor Dining Program for Private Property" which extended the permits previously issued through Phase 4 of the Restore Illinois Plan; and,

**WHEREAS**, suspension and relaxation of the local zoning and other ordinances and rules to encourage and expand the ability of restaurants and bars to offer the outdoor consumption of food and drinks during the period of recovery would be in the best interests of the City; and

**WHEREAS**, the City Council finds it reasonably necessary to continue and extend the Temporary Outdoor Dining Program to allow restaurants additional outdoor dining space on private property to focus on recovery from the past months of reduced operations and income.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS**, as follows:

A. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the Council.

B. An Amended Temporary Outdoor Dining Program for Private Property, attached hereto as Exhibit "A" is hereby established.

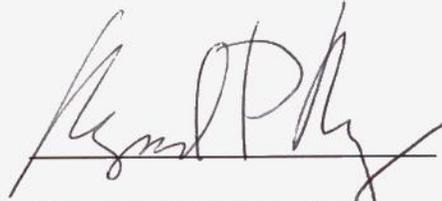
C. The Temporary Outdoor Dining Program for Private Property shall be effective through December 31, 2021, unless extended by the City Council. After termination of the program, use of temporary outdoor dining areas authorized through the program shall cease, barriers and all other improvements placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use within 48 hours of the termination date.

D. This Ordinance is effective immediately and shall cease by its own terms provided herein.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.

PASSED by the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.



Raymond P. Rogina, Mayor

ATTEST:

City Clerk



COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

Abstain: 0



## Exhibit A

### Temporary Outdoor Dining Program Program Guidelines for Private Property

Updated January 14, 2021

- A. Establishments that are allowed to reopen for outdoor dining with social distancing and safety measures, as allowed by the Restore Illinois Plan, that have existing outdoor areas for the consumption of food and drinking wanting to expand their current outdoor dining area and establishments seeking to temporarily add outdoor dining areas shall abide by the following:
  1. Establishments must apply for a temporary outdoor dining permit from the City (attached at the end of this document). There shall be no fee for the permit.
    - a. The permit application shall include an aerial drawing that shows the existing outdoor dining area (if any) in a dotted line and the proposed new dining area in a solid line. Also:
      - i. If the proposed new dining area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.
      - ii. Parking lots over 25 stalls: Up to 50% of the parking area may be used for outdoor dining. Parking will need to be preserved to adequately serve the outdoor dining area and carry-out activities. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.
      - iii. Parking lots under 25 stalls: Small parking lots may convert the entire lot to outdoor dining, including ADA stalls, provided that effort is made to relocate the ADA stalls near the entrance using street parking where possible.
      - iv. If there is to be a covering over the new dining area, please indicate that on the drawing. The manufacturers guidelines for installation, all City code requirements, and flame spread requirements must be followed. A tent permit and inspection may be required (see Section A (13)).
      - v. Sidewalks may be utilized for outdoor dining provided there is still means for ADA compliant pedestrian traffic on the remaining portion of the sidewalk.
    - b. Applicants must demonstrate that they are the owner of the property on which the new outdoor dining space is to be located, if the applicant is not the owner of the property, the application must include the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor dining area as indicated on the drawing provided as part of the permit application submitted by the requestor.

- c. Businesses shall not set up any expanded outdoor dining prior to being notified of approval.
- d. Any indemnification or insurance shall be provided as required by the City.
2. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.
3. Establishments shall comply with the City's outdoor liquor license provisions.
4. A physical barrier shall delineate all outdoor dining areas and shall be of sufficient size and design as to deter the unintentional encroachment of vehicles into the dining area.
5. If ample lighting is provided, the outdoor dining area shall close no later than as permitted under the Applicant's current liquor license in conjunction with indoor dining and drinking, as issued by the City.
6. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
7. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
8. No permanent plumbing, electrical and lighting fixtures shall be installed.
9. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
10. Smoking in the outdoor dining area is prohibited.
11. Tables shall be placed to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.
12. No amplified sound is permitted in temporary outdoor dining areas on private property. Only acoustic live music is permitted unless a special event permit has been secured to include amplified sound/live entertainment.
13. Tent canopies and enclosed tents are permitted on private property, but any existing or proposed tent that is either a) over 400 square feet in size, or b) includes tent side walls, shall require a separate tent permit to be submitted and approved by the City. Unless otherwise determined by the Illinois Department of Public Health, tent canopies with 50% or more of side walls down shall be considered enclosed for indoor dining and their use shall be subject to the Department of Health Regulations for indoor dining. If the Illinois Department of Public Health implements mitigation efforts, reverts the Region back to Phase 3, or takes any other action which prohibits indoor dining, then use of enclosed tents shall be prohibited.
14. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.
15. Bar areas are prohibited in an expanded outdoor dining area.

16. Outdoor trash receptacles shall be provided and maintained and the outdoor dining area shall be kept free from litter and debris.
17. No liquor shall be removed in open containers from the outdoor dining area.
18. Incorporation of landscaping is encouraged to enhance ambiance and improve the aesthetics of the outdoor dining area.

B. Applicant shall be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department, City of St Charles Municipal Code, and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of the temporary outdoor dining permit.

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

## Certificate

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

I further certify that on **January 19, 2021**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2021-M-4** entitled:

**An Ordinance Amending the Temporary Outdoor Dining Program for Private Property.**

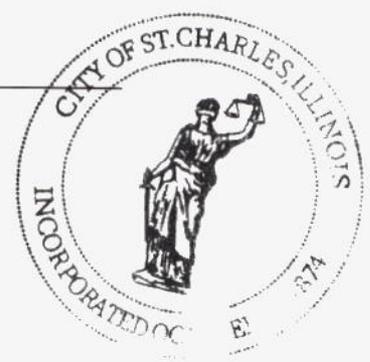
which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2021-M-4**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **January 26, 2021**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this **19th** day of **January 2021**.

  
Municipal Clerk

(S E A L)



REFER TO:

Minutes 1-19-2021

Page \_\_\_\_\_

# City of St. Charles, Illinois

**Ordinance No.: 2021-M-5**

**An Ordinance Amending the Temporary  
Outdoor Dining Program for Public  
Property.**

**Adopted by the  
City Council  
of the  
City of St. Charles  
January 19, 2021**

Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, **January 26, 2021**

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



**(SEAL)**

**City of St. Charles, IL**  
**Ordinance No. 2020-M-5**

**An Ordinance Amending the Temporary Outdoor Dining  
Program for Public Property**

**WHEREAS**, COVID-19 (a/k/a Novel Coronavirus) is a severe respiratory illness caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of St. Charles; and

**WHEREAS**, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and

**WHEREAS**, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including Kane and DuPage Counties, are disaster areas due to the Novel Coronavirus; and

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 to be a global pandemic; and

**WHEREAS**, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

**WHEREAS**, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and

**WHEREAS**, the Illinois Governor has established a five-phase plan, Restore Illinois, dated May 5, 2020, for the reopening of the State; and

**WHEREAS**, though the threat from COVID-19 to the public health, safety and welfare continues, the Restore Illinois Plan acknowledges the need to allow local and State economies to begin to recover economically to minimize and reverse the adverse economic, social and psychological effects of Phases 1 (Rapid Spread) and 2 (Flattening the Curve) of the Plan; and

**WHEREAS**, all regions of the Restore Illinois Plan, including the Northeast Region in which the City is located, advanced to Phase 3 on May 29, 2020 which allowed outdoor dining to reopen with social distancing and safety measures in place; and

**WHEREAS**, pursuant to the Mayor’s Executive Order issued on May 28, 2020, the City issued permits allowing temporary outdoor dining areas; and

**WHEREAS**, Region 8, in which the City is located, advanced to Phase 4 on June 26, 2020, which has allowed indoor dining, amongst other businesses, to resume operations with social distancing and safety measures in place; and

**WHEREAS**, June 29, 2020, the City Council approved Ordinance #2020-M-26, "Establishing a Temporary Outdoor Dining Program" which extended the permits previously issued under the Mayor's Executive Order until October 31, 2020; and

**WHEREAS**, on October 19, 2020, the City Council approved Ordinance #2020-M-48 "Amending the Temporary Outdoor Dining Program for Public Property" which extended the permits previously issued under Ordinance #2020-M-26 through Phase 4 of the Restore Illinois Plan; and,

**WHEREAS**, establishments in the First Street TIF District who are ordinarily limited by the Municipal Code to two (2) 100-day sidewalk café permits in a given year were entitled under Ordinance #2020-M-48 to apply for an additional two (2) 100-day sidewalk café permits to expire no later than April 15, 2021; and,

**WHEREAS**, suspension and relaxation of the local zoning and other ordinances and rules to encourage and expand the ability of restaurants and bars to offer the outdoor consumption of food and drinks during the period of recovery would be in the best interests of the City; and

**WHEREAS**, the City Council finds it reasonably necessary to continue and extend the Temporary Outdoor Dining Program for Public Property to allow restaurants additional outdoor dining space on public property to compensate for reduced indoor capacity and recovery from the past months of reduced operations and income.

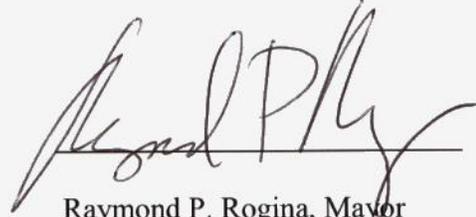
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS**, as follows:

- A. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the Council.
- B. An Amended Temporary Outdoor Dining Program for Public Property, attached hereto as Exhibit "A" is hereby established.
- C. The Temporary Outdoor Dining Program for Public Property shall be effective until December 31, 2021 unless extended by the City Council. After termination of the program, use of temporary outdoor dining areas authorized through the program shall cease, barriers and all other improvements placed therein shall be removed, and all areas used for temporary outdoor dining shall be returned to their original use within 48 hours of the termination date.
- D. This Ordinance is effective immediately and shall cease by its own terms provided herein.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.

PASSED by the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.

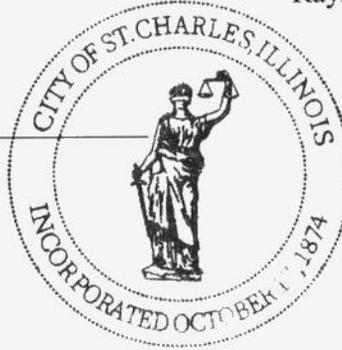
APPROVED by the Mayor of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.



Raymond P. Rogina, Mayor

ATTEST:

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



COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

Abstain: 0



## Exhibit A

### Temporary Outdoor Dining Program Program Guidelines for Public Property

Updated January 13, 2021

- A. Establishments that are allowed to reopen for outdoor dining with social distancing and safety measures, as allowed by the Restore Illinois Plan, that have existing outdoor areas for the consumption of food and drinking wanting to expand their current outdoor dining area and establishments seeking to temporarily add outdoor dining areas shall abide by the following:
  1. Establishments must apply for a temporary outdoor dining permit from the City (attached at the end of this document). There shall be no fee for the permit.
    - a. The permit application shall include an aerial drawing that shows the existing outdoor dining area (if any) in a dotted line and the proposed new dining area in a solid line. Also:
      - i. If the proposed new dining area encroaches upon an existing parking area, the applicant should indicate on the drawing how traffic will flow if the request is approved.
      - ii. Parking lots over 25 stalls: Up to 50% of the parking area may be used for outdoor dining. Parking will need to be preserved to adequately serve the outdoor dining area and carry-out activities. ADA parking spaces shall not be blocked and access to/from those spaces shall not be impeded.
      - iii. Parking lots under 25 stalls: Small parking lots may convert the entire lot to outdoor dining, including ADA stalls, provided that effort is made to relocate the ADA stalls near the entrance using street parking where possible.
      - iv. If there is to be a covering over the new dining area, please indicate that on the drawing. The manufacturers guidelines for installation, all City code requirements, and flame spread requirements must be followed. A tent permit and inspection may be required (see Section A (13)).
      - v. Sidewalks may be utilized for outdoor dining provided there is still means for ADA compliant pedestrian traffic on the remaining portion of the sidewalk.
    - b. Applicants must demonstrate that they are the owner of the property on which the new outdoor dining space is to be located, if the applicant is not the owner of the property, the application must include the signature of the owner acknowledging that they will permit the creation or expansion of the outdoor dining area as indicated on the drawing provided as part of the permit application submitted by the requestor.

- c. Businesses shall not set up any expanded outdoor dining prior to being notified of approval.
  - d. Any indemnification or insurance shall be provided as required by the City.
2. Establishments shall comply with protocols or guidelines issued by the Illinois Department of Public Health, Centers for Disease Control or other official authority.
  3. Establishments shall comply with the City's outdoor liquor license provisions.
  4. A physical barrier shall delineate all outdoor dining areas and shall be of sufficient size and design as to deter the unintentional encroachment of vehicles into the dining area.
  5. If ample lighting is provided, the outdoor dining area shall close no later than as permitted under the Applicant's current liquor license in conjunction with indoor dining and drinking, as issued by the City.
  6. The temporary outdoor dining area shall be accessible to the disabled and shall comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
  7. Establishments may not expand outdoor dining in front of neighboring businesses without written permission from the neighboring business/property owner.
  8. No permanent plumbing, electrical and lighting fixtures shall be installed.
  9. Any temporary lighting shall be directed in a manner to not impair visibility on nearby streets and not shine onto adjacent properties.
  10. Smoking in the outdoor dining area is prohibited.
  11. Tables shall be placed to allow for a minimum of 6-foot separation (blocking tables is allowed). Public seating and eating areas shall be reduced and/or reconfigured to allow for minimum separation of 6 feet.
  12. With the exception of the First Street Plazas, no amplified sound is permitted in temporary outdoor dining areas on public property. Only acoustic live music is permitted unless a special event permit has been secured to include amplified sound/live entertainment.
  13. Tent canopies and enclosed tents are permitted on public property, but any existing or proposed tent that is either a) over 400 square feet in size, or b) includes tent side walls, shall require a separate tent permit to be submitted and approved by the City. Unless otherwise determined by the Illinois Department of Public Health, tent canopies with 50% or more of side walls down shall be considered enclosed for indoor dining and their use shall be subject to the Department of Health Regulations for indoor dining. If the Illinois Department of Public Health implements mitigation efforts, reverts the Region back to Phase 3, or takes any other action which prohibits indoor dining, then use of enclosed tents shall be prohibited.
  14. Adequate safeguards shall be in place for security, crowd control, lighting control and the protection of minors.

- a. For restaurants in the First Street Plaza required to fence in the premise where alcohol is served, fencing shall follow these guidelines:
  - i. Fencing shall be between 36-48" high
  - ii. Dark in color, preferably black
  - iii. Made of either metal or other material creating a similar aesthetic effect
15. Bar areas are prohibited in an expanded outdoor dining area.
16. Outdoor trash receptacles shall be provided and maintained and the outdoor dining area shall be kept free from litter and debris.
17. No liquor shall be removed in open containers from the outdoor dining area.
18. Incorporation of landscaping is encouraged to enhance ambiance and improve the aesthetics of the outdoor dining area.
19. Electrically-powered heating devices must be installed by a licensed electrical contractor, who will obtain an electrical permit. Electrical heating equipment must be marked "UL listed" or "UL classified". We would need to see some sort of power plan as it relates to heating these units
20. Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces
21. Restaurants will need inclement weather plans in writing and trained to staff to prevent any injuries in storms, snow, or other unsafe situations
22. If plastic domes or other enclosed spaces are used, establishment must post placards advising about increased risk of transmission within an enclosed space
23. Any table umbrellas or similar features utilized for outdoor dining shall be maintained and kept in good repair (no tears, holes, rips, excessive fraying, etc.)

B. Applicant shall be required to abide by all other requirements of the Governor's Executive Orders and the requirements of the CDC, Illinois Department of Public Health, the Kane County Health Department, City of St Charles Municipal Code, and the Illinois Liquor Control Act. Failure to abide by any of these requirements may result in revocation of the temporary outdoor dining permit.

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

## Certificate

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

I further certify that on **January 19, 2021**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2021-M-5** entitled:

**An Ordinance Amending the Temporary Outdoor Dining Program for Public Property.**

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

The pamphlet form of Ordinance No. **2021-M-5**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **January 26, 2021**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this **19th** day of **January 2021**.

  
\_\_\_\_\_  
Municipal Clerk

(S E A L)



REFER TO:

Minutes

1-19-2021

Page

**City of St. Charles, Illinois**

**Resolution No. 2021-1**

**A Resolution Authorizing the Closure of First Street for Expanded Outdoor Dining Opportunities in 2021.**

**WHEREAS**, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles ("City") issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners ("Emergency Declaration"); and,

**WHEREAS**, on May 28, 2020, the Mayor issued Executive Order No.3 effectively closing a portion of First Street for the purpose of setting up a public outdoor dining area; and,

**WHEREAS**, on June 29, 2020, the City Council approved a Resolution extending the closure of First Street for the purpose of public outdoor dining through October 31<sup>st</sup>; and,

**WHEREAS**, on October 19, 2020, the City Council approved a Resolution extending the closure of First Street for the purpose of public outdoor dining through November 20, 2020; and,

**WHEREAS**, on October 23, 2020, following changes to the Region's COVID-19 mitigation measures, the barricades were removed and First Street was reopened to vehicle traffic; and,

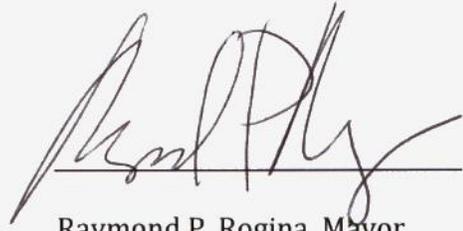
**WHEREAS**, the outdoor dining environment created by the street closure has been positively received by the business community and general public and it is in the best interest of the recovering restaurant community and the City to reinstate the street closure and public outdoor dining in 2021; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the City Administrator is authorized to close First Street from Main Street to the entrance of the parking garage, at his/her own discretion based on the projected weather conditions and COVID-19 mitigation measures, but to be implemented no later than May 1, 2021 and to be removed at first snowfall or earlier date determined necessary by the City Administrator.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 19th day of January 2021.

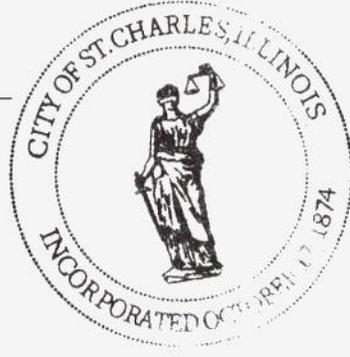
**PASSED** by the City Council of the City of St. Charles, Illinois, this 19th day of January 2021.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 19th day of January 2021.



Raymond P. Rogina, Mayor

ATTEST:   
\_\_\_\_\_  
City Clerk



COUNCIL VOTE:

Ayes: 10  
Nays: 0  
Absent: 0  
Abstain: 0

**City of St. Charles, Illinois****Resolution No. 2021-2****A Resolution Authorizing the Closure of Walnut Avenue for Flagship on the Fox's Temporary Outdoor Dining through December 31, 2021.**

**WHEREAS**, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles ("City") issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners ("Emergency Declaration"); and,

**WHEREAS**, on May 28, 2020, the Mayor issued Executive Order No.3 effectively establishing the Temporary Outdoor Dining Program; and,

**WHEREAS**, on May 29, 2020, the City Council approved a Resolution authorizing the closure of Walnut Avenue adjacent to Flagship on the Fox for Temporary Outdoor Dining for 30 days; and,

**WHEREAS**, on June 29, 2020, the City Council approved Resolution No. 2020-59 authorizing the closure of Walnut Avenue adjacent to Flagship on the Fox for Temporary Outdoor Dining through October 31, 2020; and,

**WHEREAS**, on October 19, 2020 the City council approved a Resolution extending the closure of Walnut Avenue adjacent to Flagship on the Fox through Phase 4 of the Restore Illinois plan; and,

**WHEREAS**, on January 11, 2021, the Planning & Development Committee recommended extending permits for Temporary Outdoor Dining on Public Property through December 31, 2021; and,

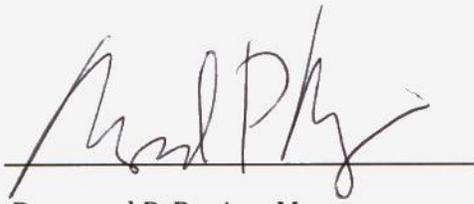
**WHEREAS**, the outdoor dining environment created by the street closure is in the best interest of the recovering restaurant and the City and shall be permitted to continue for the purpose of offering expanded temporary outdoor dining for Flagship on the Fox in 2021.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the closure of Walnut Avenue from Riverside Avenue to Second Avenue, shall be permitted through December 31, 2021, with the decision to install or remove the road closure to be made at the discretion of the City Administrator.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of January 2021.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 19th day of January 2021.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 19th day of January 2021.



Raymond P. Rogina, Mayor

ATTEST:



City Clerk



COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

Abstain: 0