



CITY OF ST. CHARLES

**AGENDA ITEM EXECUTIVE SUMMARY**

**Agenda Item Number: IB**

**Title:**

Presentation of an overview of the Temporary Outdoor Dining Program.

**Presenter:**

Mark Koenen, Rita Tungare, Jim Keegan

**Meeting:** City Council

**Date:** May 28, 2020

Proposed Cost: \$NA

Budgeted Amount: \$NA

Not Budgeted:

**Executive Summary** *(if not budgeted please explain):*

On May 20, 2020, the Governor announced that, with the anticipated advancement to Phase 3 of the Restore Illinois plan on Friday, May 29, 2020, bars and restaurants will be allowed to serve customers in outdoor seating areas. The City of St Charles has tracked closely the Governor’s Orders and guidance and we are advancing outdoor dining allowing the restaurant businesses in our community to re-open. The Mayor has executed an Executive Order allowing for this action (attached to the Council item I.A).

Bars and restaurants with outdoor seating areas are anxious to re-open. In conjunction with the St. Charles Business Alliance we have coordinated this effort to provide optimum business opportunity. The Chamber of Commerce is also engaged in promoting the outdoor dining initiative.

The City’s program was released to the restaurant and bar community on Tuesday evening, May 26. On Wednesday, May 27, the Alliance and City staff began to receive comments from restaurant and bar community. This early feedback was valuable and where we could we have modified the documents accordingly.

At the Council meeting staff will provide an overview of the program.

**Attachments** *(please list):*

Temporary Outdoor Dining Permit Application, Indemnification form, Plaza Dining Plan, First Street Closure Details

**Recommendation/Suggested Action** *(briefly explain):*

For your information and feedback.



CITY OF  
ST. CHARLES  
ILLINOIS • 1834

# City of St. Charles TEMPORARY OUTDOOR DINING PERMIT APPLICATION

<b>Restaurant Information</b>	Restaurant Name:	
	Address:	
	Phone:	
<b>24-Hour Contact</b>	Contact's Name:	
	Contact's Signature:	Date:
	Phone:	Email:

**A no-fee permit is required to allow for the establishment of a temporary outdoor dining area. Following the issuance of a permit and the establishment of the temporary outdoor dining area, the City will inspect the temporary outdoor dining area for compliance with the approved plans.** Outdoor dining areas established under this permit are considered temporary and shall not constitute a property right in the form of permanent outdoor seating. Outdoor dining areas granted a temporary permit are valid for thirty days beginning May 29<sup>th</sup>, 2020.

**The following items must be submitted as part of the application:**

- Demonstration of ownership or a letter of authorization from the property owner(s)
- A site layout plan including the overall dimensions, barriers, entrances/exits, and, traffic circulation
- A description of any proposed tents, including size, location, and need for electrical hook-ups
- Any additional information which the Mayor or designee shall find reasonably necessary to a fair determination as to whether the permit shall be issued
- Prior to issuance of the temporary outdoor dining 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. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the temporary outdoor dining permit.
  - o Worker's Compensation Insurance in at least the required statutory limits
  - o 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) dollars per occurrence, and two million (\$2,000,000) dollars for any single injury

- [Dram Insurance](#)
- Complete indemnification/hold harmless document.

### **Agree to Comply with all Outdoor Dining Requirements:**

- All tables must be six feet apart and located away from sidewalks and walkways
- Entrance/exit doors and fire lanes shall not be blocked
- Allow for adequate and safe parking to be maintained for customers
- A physical barrier around the outdoor dining area shall be required if alcohol is served or to protect the temporary dining area
- Tents must follow manufacturers guidelines for installation, all City code requirements, and flame spread requirements.
- The expanded outdoor dining area shall close at dusk. If ample lighting is provided, the expanded area shall close no later than 10:00p.m. Sunday through Wednesday and 11:00 p.m. Thursday through Saturday.

### **Confirmation of Compliance with all Restaurant Requirements:**

- Must adhere to all social distancing requirements and [restaurant guidelines set forth by the Illinois Department of Public Health](#)
- Food transported from the restaurant to the outdoor dining areas shall meet all Food Safety requirements
- Abide by all applicable requirements of the CDC, Kane County Health Department, and the Illinois Liquor Control Act.
- Regularly clean and sanitize outdoor dining areas and all frequently touched surfaces (i.e. door handles)
- Provide restrooms/handwashing inside the restaurant with social distancing

**Failure to abide by any of these requirements may result in the revocation of the temporary outdoor dining permit. Businesses shall not set up any expanded outdoor dining prior to being notified of permit approval.**

By checking the above boxes, I hereby agree confirm that the outdoor dining operations proposed in my application will comply with all of the above Outdoor Dining Requirements and Restaurant Requirements.

**Applicant Signature:** \_\_\_\_\_

**Submit applications by email to:**

Building and Code Enforcement

[bceadm@stcharlesil.gov](mailto:bceadm@stcharlesil.gov) | 630.377.4406

## INDEMNIFICATION/HOLD HARMLESS

In consideration of the City of St. Charles permitting the \_\_\_\_\_

(name of organization)

("Organization") to conduct \_\_\_\_\_ ("Event"), the Organization

(name of event)

recognizes, acknowledges and assumes any and all risks arising from or in any way related to the Event.

To the fullest extent permitted by law, the Organization hereby agrees to defend, indemnify and hold harmless the City of St. Charles, its officers, officials, employees and agents from and against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, cost, and expenses (including all attorney's fees and costs), arising from, or resulting from or in any way related, directly and/or indirectly to the Event, except that arising out of the sole legal cause of the City of St. Charles, its officers, officials, employees and agents.

The Organization shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising there from or incurred in connection therewith, and, if any judgment shall be rendered against the City of St. Charles, its officers, officials, employees and/or agents, in any such action, the Organization at its own expense shall satisfy and discharge same.

The invalidity of any provision(s) of this INDEMNIFICATION/HOLD HARMLESS or unenforceability of any of its provisions shall not affect the validity or enforceability of the remainder of this INDEMNIFICATION/HOLD HARMLESS.

The Organization and the authorized signatory below warrant and represent that the authorized signatory below has full authority to execute and submit this application, including, but not by way of limitation, the INDEMNIFICATION/HOLD HARMLESS provisions contained herein.

The Organization and the authorized signatory below agree to inform provisions contained herein.

The Organization and the authorized signatory below agree to inform the City of St. Charles of any changes in the application at least thirty (30) days prior to the event.

\_\_\_\_\_

(Name of Organization) (Date)

by \_\_\_\_\_

After submitting all forms, your application will be reviewed by City staff. All departments that will be involved in providing services or permits for the event will be notified. Please do not assume that all aspects of the event will be approved. You may be asked to make some changes to your plan based on the availability of services and scheduling of other events. The City of St. Charles reserves the right to cancel any event at any time for reasons deemed necessary by the City Council and/or City Administrator.

Deliver All Completed Items to:

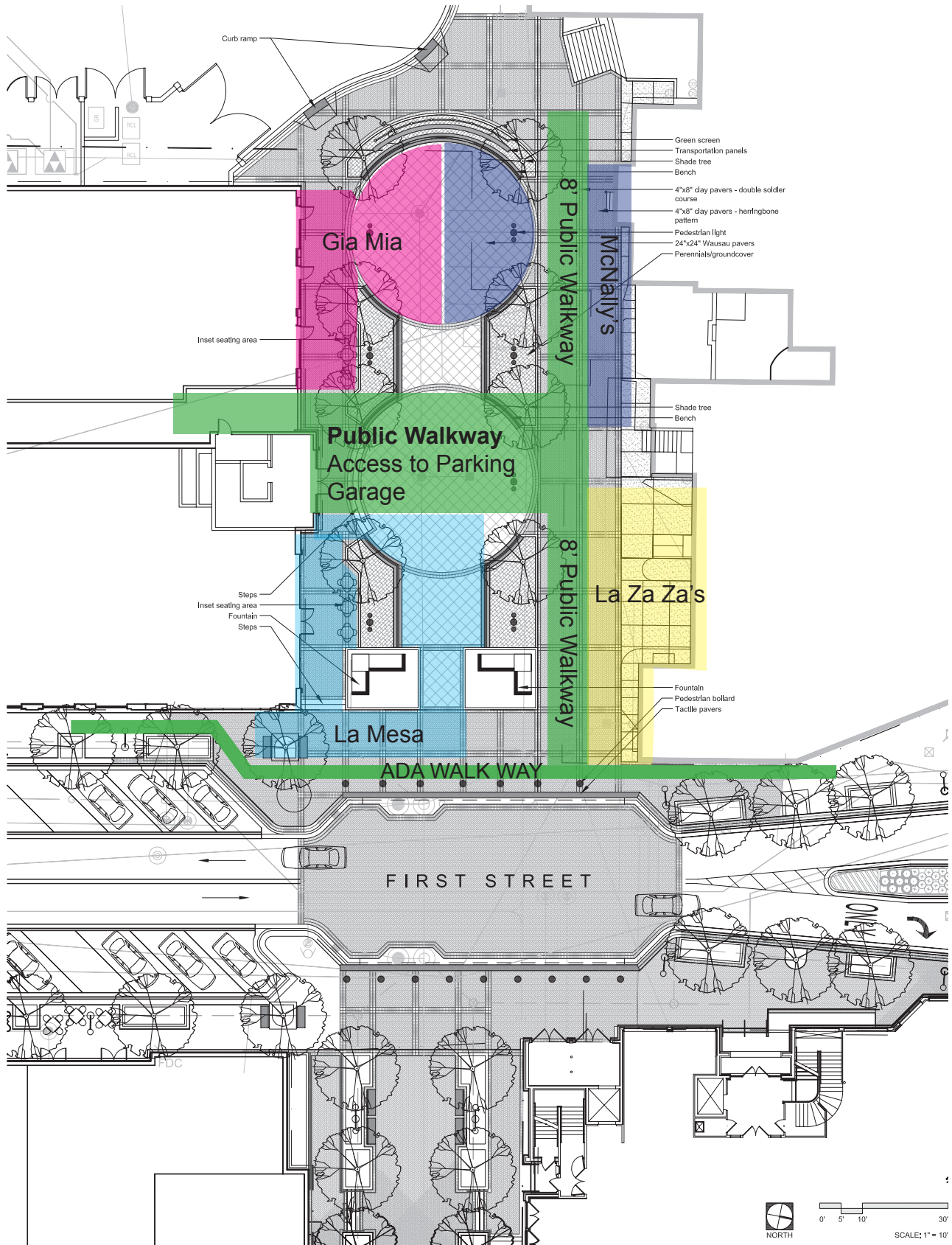
Building and Code Enforcement at  
[bceadm@stcharlesil.gov](mailto:bceadm@stcharlesil.gov)

OR

City of St. Charles  
Attn: Building and Code Enforcement  
2 E Main Street  
St. Charles, IL 60174

# Expanded Outdoor Dining Plan- West Plaza

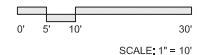
City of St. Charles Updated May 27, 2020



PREPARED FOR:  
City of St. Charles,  
Illinois

## First Street Redevelopment West Plaza Improvements

St. Charles, Illinois



SCALE: 1" = 10'

**Hitchcock  
Design Group**  
Creating Better Places®

ISSUE DATES: March 5, 2020  
PROJECT NUMBER: 20190300000000000000  
DRAWING NUMBER: 20190300000000000000  
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## PROPOSAL TO CLOSE FIRST STREET TO MOTOR VEHICLE TRAFFIC

The Governor's announcement on May 20, 2020 amended the Restore Illinois plan to allow outdoor dining to resume once a region has safely moved into Phase 3, which is anticipated to begin on May 29. Following the announcement, St. Charles restaurants began reaching out to implore the City to consider temporary policies that would assist increasing outdoor dining opportunities while providing appropriate distance between tables and allow for adequate pedestrian movement. In response to such requests, the City will be closing a portion of First Street to motor vehicle traffic. Details regarding First Street Closure are detailed below:

### Street preparation and use

- First Street closed to motor vehicle traffic from main street to the entrance of the parking garage (Exhibit A).
- Movable barricades installed to close the north end of First Street to general motor vehicle traffic.
- The First Street Parking Garage will still be accessible.
- The Plazas will maintain public access, with adjacent restaurants able to use designated outdoor patio space for table service. Restaurants adjacent to the plaza should apply for a sidewalk café permit as is typically required; however, the permit fee will be waived. The City will delineate restaurant patio boundaries.
- Additional public seating will be provided in the east plaza and a portion of First Street will be closed street for carry-out diners to use.
- Indoor dining rooms remain closed. Customers are only allowed inside to use the restroom facilities.
- Operating hours of the outdoor dining area are limited to the hours of 7:00am to 10:00pm on Sunday through Wednesday, and from 7:00am to 11:00pm Thursday through Saturday.

### Liquor:

- Liquor may only be sold by a restaurant with a full kitchen and properly licensed as a food service establishment prior to May 15, 2020 or, as otherwise stipulated below:
  - Holder of a Class A4 brewery license or A5 winery license where outside food is permitted to be delivered and consumed on-site.
  - Holder of Class B, C or G license with a full kitchen and properly licensed as a food service establishment prior to May 15, 2020. Limited food menu but allows outside food to be brought in.
  - Class F licenses (BYOB) with a full kitchen and properly licensed as a food service establishment prior to May 15, 2020.
- If alcohol is to be consumed in the restaurant's outdoor patio space, the patio must be fenced in or secured and liquor is not allowed to be carried away of consumed outside of the secured area.
- Staff must be put in place to oversee consumption and assure that alcohol does not leave the designated areas. This burden falls on the businesses and NOT the City

All applicable State, County and City codes must be followed. The City reserves the right to make changes and adjustments as necessary at any time in order to address issues that may arise.

Exhibit A:

