

Ordinance No. 14-11

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, ILLINOIS ALLOWING LIQUOR LICENSEES TO SERVE ON CERTAIN ADJOINING VILLAGE SIDEWALKS**

**WHEREAS**, the Village of East Dundee (the “*Village*”) is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, Article IV of the Liquor Control Act (235 ILCS 5/4-1) authorizes the Village to determine the number, kind and classification of licenses for the retail sale of alcoholic liquor and establish rules and regulations regulating the sale of alcoholic beverages; and,

**WHEREAS**, the Village hereby adopts this ordinance pursuant to the Liquor Control Act and its home rule authority.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Cook and Kane County, Illinois, as follows:

**Section 1:** That the Code of the Village of East Dundee, as amended, be and is hereby amended by adding subsection (18) to Section 116.05(A) to read as follows:

“(18) *Adjoining Village sidewalk service endorsement.* A License holder may expand its premises under their existing license with a sidewalk endorsement granted by the Local Liquor Control Commissioner to allow sales and service of alcoholic beverages authorized pursuant to its license on the public sidewalk immediately adjoining the premises used by the Licensee subject to compliance with the following regulations:

- (a) The sidewalk service area shall be that portion of the Village sidewalk adjacent to the premises used by the Licensee.
- (b) Not have seating for more than 16 customers and customers must be seated.
- (c) At least four feet (4.0’) of public sidewalk must be provided and maintained at all times for pedestrian traffic.
- (d) The sidewalk service area shall have ingress and egress for emergency purposes and for handicap accessibility.
- (e) The sidewalk service area shall not have a covered roof, although umbrellas, awnings, screening, and the like may be allowed.
- (f) No signs shall be attached to any furniture, umbrellas, awnings, or other structure related to the operation of the sidewalk service area.
- (g) No permanent fixtures are to be installed and only those fixtures authorized by the endorsement and shown in the diagram may be stored in the public right-of-way when the sidewalk service area is not in operation. Should the licensee not utilize the sidewalk as authorized for a period of 48 hours or more, all the tables and materials must be removed.
- (h) A service bar or service window for the service of alcoholic beverages may be permitted in the sidewalk service area.
- (i) Live entertainment shall not be allowed.

- (j) No alcohol shall be served or consumed in the outside seating area later than 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday.
- (k) The sidewalk service area seating shall not be used for calculating the required number of seats for the liquor license classification.
- (l) Seating for the sidewalk service area is to be restricted to the right-of-way approved by the village.
- (m) The sidewalk service area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and village plumbing ordinances with regard to restroom facilities.
- (n) Persons issued an endorsement for a sidewalk service area shall maintain the sidewalk area in a clean and safe condition. The holder shall clean said area at the end of each business day, so as not to have any food or drink leftovers remaining. The holder shall wash daily the sidewalk area approved by the village for the sidewalk service area removing any food or drink residue.
- (o) If the sidewalk service area interferes with a public event planned on the public right-of-way, the public event shall take precedence. The village will endeavor to notify the licensee 30 days in advance of the scheduled event.
- (p) Such other requirements as may reasonably be imposed by the Liquor Commissioner taking into account the unique circumstances of the licensee's premises and location.
- (q) Every applicant for an endorsement for an outdoor seating area shall file an application with the Village Clerk upon a form provided by the Village Clerk and pay a filing fee of \$100.00, which shall not be refundable.
- (r) An endorsement for operation of a sidewalk service area will be issued for operation between April 15th and October 15th.
- (s) Moderate noise levels shall be maintained.
- (t) The application for an endorsement to operate a sidewalk service area must include the following:
  1. A certificate of insurance in the amount of \$1,000,000 naming the Village of East Dundee as an additional insured, which must be renewed each year the sidewalk service area is in operation.
  2. A signed hold harmless agreement.
  3. A diagram of the proposed layout of the sidewalk service area, including sizes of fixtures and their location. A layout is to be submitted for approval should the layout change in any way from the layout originally approved by the village. The village may reduce the requested number of tables to provide for safe pedestrian passage."

**Section 2:** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

ADOPTED this 2nd day of June, 2014 pursuant to a roll call vote as follows:

AYES: Trustees Gorman, Lynam, Skillicorn, Selep and Wood

NAYS: Ø

ABSENT: Trustee Ruffalo

APPROVED by me this 2nd day of June, 2014.



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Village President

*Attest:*



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Village Clerk

Published in pamphlet form:

June 3, 2014