

ORDINANCE NUMBER 06 - 17

**ORDINANCE AMENDING TITLE XV, LAND USAGE,
CHAPTER 151, BUILDING REGULATIONS; CONSTRUCTION,
BY REVISING SECTION 151.027**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that Title XV, **Land Usage**, Chapter 151, **Building Regulations; Construction**, Section 151.027, be deleted and replaced with a new Section 151.027.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That Title XV, **Land Usage**, Chapter 151, **Building Regulations; Construction**, Section 151.027, in its current form, be amended by deleting Section 151.027 in its entirety and substituting in lieu thereof the following:

§ 151.027 SPECIFICATIONS FOR OUTSIDE DINING AREA REQUIRES A LICENSE.

(A) Outside dining areas are a privilege provided pursuant to a license. Said license may be granted by the Village Board upon recommendation from the Liquor Commission. If no alcohol is to be served, the license may be granted by the Village Board in its sole and exclusive discretion at their regular board meeting or any special board meeting. Outside dining areas permitted in this section are defined as those areas on private

property. The issuance of this license does not waive any other ordinance requirements. The intent is to provide outside dining areas that are beneficial to patrons, residents, and businesses in East Dundee, as determined by:

(1) The outside dining area shall be enclosed by a minimum 3-foot high wall, fence, or structure designed to be decorative and to prevent unauthorized entry. The maximum height of such fence or wall shall be eight feet.

(2) The outside dining area shall have ingress and egress for emergency purposes and for handicap accessibility.

(3) The outside dining area shall not have a covered roof, although umbrellas, awnings, screening and the like may be allowed, and a limited roof structure may be permitted over any service bar.

(4) A service bar or service window for the service of alcoholic beverages may be permitted in the outside dining area.

(5) Live entertainment shall be governed by the rules set forth in the Alcoholic Beverage Ordinance.

(6) Outside meal seating will be permitted, however, if alcohol shall be served in the outside seating area, such service shall be regulated by the ordinance under Chapter 116, Alcoholic Beverages. Patrons shall be served no later than 12:00 a.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday.

(7) The outside dining area seating shall not be used in division (B) above for calculating the required number of seats for this liquor license classification.

(8) The outside dining area seating capacity when combined with the indoor seating capacity shall meet the requirements of the State Plumbing Code and Village Plumbing Ordinance with regard to rest room facilities.

(9) Such other requirements as may reasonably be imposed taking into account the unique circumstances of the licensee's premises and location.

(B) Any applicant shall be required to pay each year to the Village a license fee as set forth in the Village Annual Fee Schedule.

(C) All licenses issued in accordance with this Section shall be governed by the General Licensing Provisions as contained within Title IX, Business Regulations, Chapter 110, of the Village Code.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the validity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 5th day of June, 2006, pursuant to a roll call vote as follows:

AYES: Ruffalo, Scarpelli, O'Leary, Gorman

NAYES: Pres. Bartels

ABSENT: Van Ostenbridge, Carlini

Approved by me this 5th day of June, 2006.

Jerald Bart

JERALD BARTELS, President

Published in pamphlet form this 16th day of June, 2006, under the authority of the President and Board of Trustees.

ATTEST:

Jay Nork

SUE NORTON, Village Clerk

Recorded in the Village Records on June 16, 2006.

