

Village of Wilmette

Outdoor Restaurant Seating & Cooking License

The Village permits restaurant operators to obtain a “license” for outdoor seating and cooking, which will be issued after an administrative review of an application. Separate requirements apply depending on the location of the seating and cooking taking place on private property or public sidewalk and right-of-way. This procedure will normally be concluded within fifteen days of the submission of a completed application. This administrative review provides a streamlined and efficient method of examining and permitting outdoor seating, and will do so at a nominal cost to the restaurant operator.

Those wishing to place igloos, greenhouses, shelters, tents, and other coverings will have their applications reviewed by the Village Board. See Section V for more information on applying for that approval.

Outdoor restaurant seating licenses are issued for a term of one year, and can be renewed annually. The license fees are \$25 for seating areas not located on public property and \$50 for seating areas located on public property.

If, after reviewing these materials, you have any questions or need any assistance, please contact the Department of Community Development of the Village of Wilmette (847) 853-7520.

I. APPLICATION REQUIREMENTS

The Village's Director of Community Development will review applications for outdoor restaurant seating licenses. The Director will examine each application to make sure the outdoor seating area complies with the requirements of the Village's ordinance, and will work with the applicant to make any needed alterations. Site Plan review is normally completed within fifteen days of the submission of a completed application. In order to facilitate this process, it is important that the application be complete and contain all the required information.

Outdoor restaurant seating licenses are available only to restaurant businesses that hold a valid Village food handler license. The applicant must submit to the Department of Community Development the following materials:

- (1) A completed license application form.
- (2) The applicable license fee.
- (3) A copy of the applicant's current Village food handler license.
- (4) A copy (if applicable) of the applicant's current Village liquor license.
- (5) A detailed "site plan" drawing to scale of the proposed site indicating the existing facade, the points of ingress and egress, the proposed location of the tables, igloos, greenhouses, shelters, tents, or other types of coverings, chairs, serving equipment, planters, borders, awnings, umbrellas, or other facilities to be included in the outdoor seating area.

II. APPLICATION REQUIREMENTS – ON PUBLIC SIDEWALKS

If the outdoor seating area is proposed to be located on a Village sidewalk or other public right-of-way the application must also include the following:

- (1) A certificate of general liability insurance, workers compensation insurance, and, if applicable, dram shop insurance, in an amount approved by the Village's insurance carrier, but no less than \$2,000,000.00 aggregate, \$1,000,000.00 per occurrence and \$1,000,000.00 per person. The Village shall be named as an additional insured on the face of the certificate, and the insurer shall have no less than an "A" rating by the most recent AM Best Insurance Rating Guide.
- (2) A signed indemnification agreement with the Village.
- (3) The "site plan" drawing must also include the location of existing public improvements, such as fire hydrants, street signs, street lights, traffic signals, bus shelters, mail boxes, trees and tree grates, parking meters, planting boxes or planting areas, fire escapes or other overhead obstructions, and the like.

III. OPERATING REQUIREMENTS

- (1) The licensee must comply with all applicable federal, state, and village health and sanitation laws and regulations, and operation of the outdoor restaurant seating area shall not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity.
- (2) No outdoor keeping or storage of food or beverages to be served is permitted. No open keeping or storage of used dishes, utensils or food scraps is permitted. Self-closing outside trash containers must be provided as required by the Village Sanitarian.
- (3) Operation of outdoor restaurant seating areas is permitted only when the main place of business is open, and not before 6:00 a.m. or after 11:00 p.m.
- (4) Doors from the restaurant to the outdoor seating area must be self-closing.
- (5) No animals, except those assisting the disabled, are allowed in the outdoor seating area.
- (6) The sale and consumption of alcoholic beverages in the outdoor seating area will be restricted by the liquor license governing the restaurant. An outdoor seating area where alcoholic beverages are sold or consumed must be enclosed by a border and supervised at all times by a restaurant employee. No alcoholic beverages may be removed from the outdoor seating area.
- (7) The outdoor seating area must be accessible to the disabled, and the licensee must at all times comply with all applicable federal, state and village laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
- (8) The outdoor seating area cannot obstruct any fire exit, fire escape, or other required ingress or egress.

IV. OPERATING REQUIREMENTS – ON PUBLIC SIDEWALKS

In addition to these general requirements which are applicable to all outdoor restaurant seating areas, there are some additional requirements for those which are to be located on public property, such as a sidewalk or right-of-way:

- (1) The use of public sidewalks or right-of-way for outdoor restaurant seating is only permitted when incidental to the operation of a licensed restaurant on private contiguous property and only along the frontage of the restaurant.
- (2) The licensee may place additional tables on the public sidewalk or private property immediately adjacent to the licensee's place of business provided that:

- a. The additional sidewalk proposed to be used is in front of another commercial use that does not qualify to obtain an Outdoor Restaurant Seating and Cooking License, and not a residential or institutional use; and
 - b. The Director of Community Development has approved the location of the tables and seating. Outdoor seating shall not be located on private property, in the rear or side location of a licensee or an adjacent location or in a public or private parking lot pursuant to this article; and
 - c. The Director of Community Development has determined, in the Director's discretion, that there will be no material adverse impact upon the businesses where the outdoor seating is to be located; and
 - d. When the outdoor seating is to be located upon frontage of private contiguous property, the licensee has provided to the village the written consent of the business occupant, or owner if there is no business occupant, of the private contiguous property in front of which the additional tables will be placed; and upon receipt of notice from the business occupant, or owner if there is no occupant, of the property in front of which the tables will be located that the occupant has revoked the consent required in this subsection the licensee shall promptly vacate the public sidewalk not along its own frontage.
- (3) The operation of the outdoor restaurant seating area or cooking area cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than five (5) feet clear of all obstructions, measured from edge of the sidewalk closest to the curb (or lampposts or parking meters where such exist).
 - (4) The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property such as taxi stands, bus stops, crosswalks, mailboxes, curb cuts, or parking spaces, or obstruct necessary access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign.
 - (5) The licensee will be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor restaurant seating area and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be attached by any means to the public sidewalk, public right-of-way, or any other public property.
 - (6) In the event of snowfall or when notified by the Village to do so, the licensee will promptly remove all furnishings and obstructions from the sidewalk, so as to allow snow removal, to accommodate special events permitted by the Village, or to accommodate Village repair or maintenance of the sidewalk.
 - (7) No electrical appliances or conductors, open flame devices, spillable petroleum products or other flammable liquids other than candles or lanterns of a type approved may be placed or kept in the outdoor seating area.

- (8) The use of cooking devices in an outdoor cooking area, whether operated by electrical conductors or using open flame, charcoal, propane or other heat source, shall be subject to separate review and approval by the Wilmette Fire Chief and the Director of Community Development, which may require additional protective measures consistent with protecting public health and safety, including, but not limited to, ensuring safe distances from sources of heat and combustion and providing fire extinguishers or other protective measures.

V. IGLOOS, GREENHOUSES, SHELTERS, TENTS, AND OTHER COVERINGS

In addition to the requirements and conditions stated above, the Village Board may issue a permit for an application for an Outdoor Restaurant Seating and Cooking License that contains the proposed use of igloos, greenhouses, shelters, tents, and other coverings pursuant to the following additional conditions:

- (1) Igloos, greenhouses, shelters, tents, and other coverings may only be erected and used during the dates authorized on the specific permit. If there are no dates listed on the specific permit, igloos, greenhouses, shelters, tents, and other coverings may not be erected and used from May 1 to September 30.
- (2) Igloos, greenhouses, shelters, tents, and other coverings may only be located on public right-of-way or Village owned property.
- (3) An application for an Outdoor Restaurant Seating and Cooking License that proposes to place and use igloos, greenhouses, shelters, tents, and other coverings, must first give written notice to the owners and occupants of lots within two hundred and fifty (250) feet of the property lines of the lot for which the application has been filed, to be delivered by hand or by mail in accordance with the notice requirements of Section 30-4.3 (Notice) prior to the matter being heard before the Village Board.
- (4) The Village Board may attach additional conditions to the issuance of the permit as are deemed appropriate and necessary to achieve the purposes of this Section.
- (5) This permit does not override or substitute for any other Section of the Village Code that requires another type of permit, certificate or approval for the use or structure. The use and placement of igloos, greenhouses, shelters, tents, and other coverings shall not be located on private property, in the rear or side location of a licensee or an adjacent location or in a public or private parking lot without also receiving a Temporary Use permit pursuant to Article 30-13 of the Village Code.

IDEMNIFICATION

WHEREAS, the undersigned desires to maintain an outdoor restaurant seating area on a portion of the public sidewalk in the Village of Wilmette;

WHEREAS, the Village of Wilmette is willing to permit the undersigned to maintain such an area, provided that the Village will not thereby incur the risk of any liabilities to the undersigned, or to any third party or employee of the undersigned, by virtue of the presence or actions of the undersigned;

NOW, THEREFORE, the undersigned agrees to indemnify, defend and hold harmless the Village of Wilmette, its officers, employees and agents against any and all loss, liability, damage, claims, costs and expenses, including attorney's fees which it may hereafter suffer, incur, be put to or pay out as a result of the undersigned's operation of the restaurant outdoor seating area and the undersigned shall at his or her own expense, appear defend and pay all fees of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and, if any judgments shall be rendered against the Village in any such action, the undersigned shall satisfy and discharge the same excluding only such claims, demands or losses, which result from the sole negligence of the Village of Wilmette or its officers, agents or employees.

Signed, this _____ day of _____, 20_____

WITNESS:

Signature

Name (Please Print)

Title

Address

City, State, Zip

OUTDOOR RESTAURANT SEATING LICENSE APPLICATION FORM

I. Applicant Information:

Restaurant Name: _____

Owner: _____

Address: _____

Phone: _____

Email: _____

II. Application Request (check one):

Outdoor Eating Area on Public Sidewalk (\$50 fee) _____

Outdoor Eating Area on Private Property (\$25 fee) _____

III. Application Checklist	Date Submitted	Date Approved
Application Fee	_____	_____
Site Plan	_____	_____
Copy Food Handler License	_____	_____
Copy Liquor License	_____	_____
Proof of Insurance	_____	_____
Indemnification Form	_____	_____

IV. Statement of Understanding:

I hereby acknowledge the Village of Wilmette outdoor cafe requirements and agree to abide by such rules and regulations.

Applicant Signature

Date

Return to: Community Development Department
Village of Wilmette
1200 Wilmette Avenue, Wilmette, IL 60091